

**CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION  
THREE HUNDRED AND FIRST MEETING**

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station  
Area, Park Headquarters, South Wellfleet, Massachusetts, on  
Monday, January 11, 2016, commencing at 1:01 p.m.

SITTING:

Richard Delaney, Chairman (partial)  
Larry Spaulding  
Don Nuendel  
Lilli Green  
Joseph Craig  
Sheila Lyons  
Mary-Jo Avellar  
Mark Robinson

Nat Goddard, alternate

Also present:

George Price, Superintendent  
Kathy Tevyaw, Deputy Superintendent  
Lauren McKean, Park Planner  
Robert Cook, Acting Chief of Natural Resources and Science

Audience members

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**P R O C E E D I N G S**

1  
2 MR. DELANEY: Thank you, everyone. I'm happy to  
3 bring together the 301st meeting of the Cape Cod  
4 National Seashore Advisory Commission.

5 **ADOPTION OF AGENDA**

6 MR. DELANEY: And we have, as always, an agenda  
7 that's sent out in advance. I'll ask for a motion to  
8 adopt that agenda.

9 MR. NUENDEL: So moved.

10 MS. AVELLAR: Second.

11 MR. DELANEY: I will only note that I'm going to  
12 with your permission ask the superintendent to report on  
13 the shorebird management plan first before going through  
14 the rest of the agenda, in part because I want to really  
15 hear that and I may have to excuse myself a little bit  
16 early. So if you'd indulge me in that, that would be  
17 great. Sheila has agreed to step in as vice-chair  
18 should I have to leave before we finish the meeting.

19 So with that one note, I'll ask for a motion to  
20 adopt the agenda as amended.

21 MS. GREEN: So moved.

22 MR. NUENDEL: Yeah.

23 MR. DELANEY: Don.

24 All in favor, say aye.

1 BOARD MEMBERS: Aye.

2 **APPROVAL OF MINUTES OF PREVIOUS MEETING (NOVEMBER 16, 2015)**

3 MR. DELANEY: And we also have the minutes sent out  
4 in advance.

5 MR. PRICE: Actually, Mr. Chair, I sent a note.  
6 Unfortunately, because of the holidays and everything,  
7 we didn't have a chance to send you the package in  
8 advance with the hard copies. I just received the  
9 electronic version on Friday, which I did send out, but  
10 I'm not assuming everybody had a chance to review it,  
11 but I'll leave that up to you to decide if you decide to  
12 approve them this meeting or the next meeting.

13 MR. DELANEY: Okay, then that's fine.

14 Has our scribe, our faithful scribe been able to  
15 read the print, first of all?

16 MR. NUENDEL: Well, I sat in front of the computer  
17 and read it, and actually it was nice. You know, it was  
18 better than paper flopping all over the place. I was  
19 surprised at how much work we got done at that meeting.  
20 It always surprises me.

21 But they look good. I just have one question on  
22 page 100, line 5. George is talking about the crows and  
23 the management of predators. And on line 5 there's the  
24 word *murder*, and I think it might be number or family,

1 murder or family of crows.

2 MR. PRICE: Yes.

3 MS. AVELLAR: Murder is what they're called.

4 MR. NUENDEL: Oh, then it is. Okay.

5 MR. PRICE: Yes.

6 MR. NUENDEL: Okay, so it's not a typo.

7 MR. PRICE: No.

8 MR. NUENDEL: So I didn't see anything other than  
9 that.

10 MS. AVELLAR: (Inaudible).

11 MR. DELANEY: Yeah, it's a pod of whales, a herd of  
12 cows, and a murder of crows.

13 MS. LYONS: A murder of crows.

14 MR. DELANEY: It's an unusual -- that's a correct  
15 terminology.

16 MS. AVELLAR: Although the birdwatcher guy that was  
17 on NPR the other day said it really isn't the right  
18 word. And I forget what he said the right word really  
19 was, but he said people refer to them as a murder of  
20 crows. But he had another word for them.

21 MR. NUENDEL: I learned something.

22 MR. DELANEY: Yeah, there must be a great  
23 derivation to that word somewhere in the history.

24 Anyway, so unless someone would like more time to

1 review the minutes because they did come out a little  
2 bit late.

3 (No response.)

4 MR. DELANEY: And I don't see anyone requesting  
5 more time, so I'll accept a motion to approve as  
6 presented.

7 MS. LYONS: I'll move that we approve them.

8 MR. DELANEY: Second?

9 MS. GREEN: Second.

10 MR. DELANEY: All those in favor, signify by saying  
11 aye.

12 BOARD MEMBERS: Aye.

13 MR. DELANEY: Those opposed?

14 (No response.)

15 MR. PRICE: Mr. Chair, while we're on this topic,  
16 if I could just ask for clarification then. So frankly,  
17 since I've been here, we have not distributed an e-mail  
18 with the minutes principally, because, remember, I've  
19 been here for a while, and everybody's computer systems  
20 ten years ago might have been more cumbersome to  
21 download these things. So I was specifically requested  
22 by the Commission at that point to put together hard  
23 copies to send to you.

24 So whether you want to answer it now or later, I

1       was surprised when the feedback was we'd almost rather  
2       be electronic. So it's up to you all how you want to  
3       receive them. We can send out the electronic as soon as  
4       I receive them from Linda, or we could keep the process  
5       the way we've been doing it and just send you a hard  
6       copy.

7               MR. DELANEY: Don?

8               MR. NUENDEL: I like both actually because I would  
9       take the paper copy and give it to the supervisor from  
10      Eastham.

11              MR. PRICE: Okay.

12              MR. NUENDEL: So I would like both, but I think  
13      it's great to have an electronic version.

14              MS. AVELLAR: I prefer the hard copy.

15              MR. DELANEY: Lilli?

16              MS. GREEN: I would say also -- also, I've been  
17      taking the hard copy, scanning it in, and sending it to  
18      my board of selectmen. So I didn't realize that...

19              MR. PRICE: And then after you all approve them,  
20      then they're posted on the website. So they are  
21      ultimately posted electronically but not until after you  
22      have approved them.

23              MR. DELANEY: Any other comments on this? Mark?

24              MR. ROBINSON: Are we taking opinions?

1 MS. LYONS: Yes.

2 MR. ROBINSON: I'd much rather electronic for this  
3 particular...

4 MR. PRICE: Mary-Jo, can I send out the electronic  
5 to the mailing list and then you just choose not to  
6 download them?

7 MS. AVELLAR: Sure.

8 MR. PRICE: Okay, we'll do that.

9 MS. AVELLAR: I just have a hard time seeing things  
10 online.

11 MR. PRICE: Yes. Me too.

12 MR. DELANEY: Okay, thanks. You know, we are  
13 generating a lot of paper in the process. We have to be  
14 mindful of that. And that does bring me to my next  
15 point.

16 MS. GREEN: Can we opt out of the paper? I mean,  
17 the people that want paper can have it, and people that  
18 don't -- I mean, I would prefer to receive all the  
19 clippings and the minutes via PDF, electronic.

20 MS. AVELLAR: I don't mind the clippings. It's the  
21 minutes that I have the trouble with.

22 MR. PRICE: We'll work -- we'll see if we can  
23 figure that out.

24 MR. DELANEY: Okay. So thank you for the vote on



1 the minutes and the comment on the discussion of getting  
2 the future minutes electronically.

3 And picking up on Don's comment about we got an  
4 awful lot done last meeting, also it takes up a bit of  
5 paper. This is pretty impressive, the number of  
6 articles and the visibility and the issues that Cape Cod  
7 National Seashore is involved in just in a few months'  
8 time. So do take advantage of these clippings and thumb  
9 through them and refresh your memory of the things that  
10 we've been involved in and the Park has been involved  
11 in. It's a big agenda, as we all know.

12 **REPORTS OF OFFICERS**

13 MR. DELANEY: Good. So with that behind us, I will  
14 turn to *Reports* -- Item No. 3, *Reports of Officers*.

15 And in this case I can report that the Wellfleet  
16 Board of Selectmen have officially nominated Lilli Green  
17 to be the rep to replace Tom and also an individual  
18 named Kathleen Bacon to be the alternate rep.

19 So congratulations. Thanks for serving.

20 That process from there goes to Washington. The  
21 nominations, as you know, go to Washington. I think the  
22 superintendent is processing that now, so that will all  
23 become official at some point not too far down the road,  
24 I hope.

1           So that's the latest I have for officers.

2           MS. LYONS: I was also reappointed by the board of  
3 commissioners on January 4, our reorganizing meeting.

4           MR. DELANEY: Oh, good.

5           MS. LYONS: And they reaffirmed my representation  
6 here.

7           MR. DELANEY: Terrific. Okay, that's great.

8           Do we need a letter? Do we need an official  
9 letter?

10          MR. PRICE: Yes.

11          MR. DELANEY: Is that in the process?

12          MS. LYONS: Yes. And I also -- I'm in the process  
13 of asking Bill Clark if he wants to remain on as an  
14 alternate because he can, even though he is no longer an  
15 employee of the county, or does he want to suggest Mike  
16 McGuire.

17          MR. DELANEY: You read my mind. That's what I was  
18 just trying to figure out.

19          MS. LYONS: Yes, that is the next --

20          MR. DELANEY: Because Bill is the other one.

21          MS. LYONS: Yes, that is the next one.

22          MR. DELANEY: Yes.

23          MS. LYONS: He could be. Since he's having a hard  
24 time letting go of a lot of his activities with the job,

1 I think he might appreciate it.

2 MR. DELANEY: Okay. So that's the commission's  
3 call.

4 MS. LYONS: And I will get back to George on  
5 Wednesday with that.

6 MR. DELANEY: Okay, great.

7 **REPORTS OF SUBCOMMITTEES**

8 MR. DELANEY: So that moves us to Item No. 4,  
9 *Reports of Subcommittees.*

10 **UPDATE OF PILGRIM NUCLEAR PLANT**

11 **EMERGENCY PLANNING SUBCOMMITTEE**

12 MR. DELANEY: Unfortunately, Maureen Burgess is not  
13 able to join us today. She's tending to some issues at  
14 home, but she did relate to me -- through me that the  
15 issue now -- and you'll probably read about this in the  
16 newspaper -- is the whole process of decommissioning and  
17 storage of the spent cells -- rods and who's paying for  
18 it and whether or not the company, Entergy, will  
19 actually have sufficient resources to deal with this.  
20 There's a whole lot of activity and letters of support  
21 around that, and as you know, we've given -- I, on your  
22 behalf, gave her authority to represent us in a  
23 continuing way on this issue. So we've signed on  
24 through Maureen to do a couple of letters urging that

1 the sufficient funding through the company be reserved  
2 to both decommission and deal with the spent rods.

3 So that's where that stands.

4 MS. LYONS: Can I just give a little bit more  
5 update?

6 MR. DELANEY: Sheila, sure.

7 MS. LYONS: So there is a committee called PLAC,  
8 and it's Pilgrim Legislative Action Committee, I think.  
9 So it's a group of very concerned citizens that have  
10 been following this. It's not Diane Turco. That's a  
11 separate, more activist group, but this is really  
12 looking at the legislation, and they're really looking  
13 at how to craft this legislation and make sure that it  
14 has the components in it. And they're working I think  
15 with Dan in trying to support the bills he's putting in,  
16 what is good about his bills, what could be added. And  
17 there are bills that Senator Wolf has put forward. Some  
18 of them have been supported and some (inaudible) from  
19 Sarah Peake and others in the Commonwealth. You know,  
20 you can read it yourself if you go to the legislative  
21 records of both of our representatives there.

22 It is really about the decommissioning, how do we  
23 best make sure -- I know that he is there to establish  
24 -- one of his recommendations was to establish a fund to

1 start putting money in for decommissioning, its best  
2 safe practices. It's going to cost a lot of money. It  
3 can't fall on the people that live here like everything  
4 -- I mean, there will be some, but it can't be 99  
5 percent of it. So how can we best make sure that it is  
6 decommissioned, materials are disposed of properly and  
7 safely, and that site can be somehow sanitized for  
8 something, a better use.

9 MR. DELANEY: Good, thanks.

10 MS. LYONS: They are meeting today. As a matter of  
11 fact, they meet on Mondays at the Harwich -- I believe  
12 it's the first or second Wednesday of -- second Monday  
13 of each month at the Harwich Community Center. And it  
14 is PLAC, so if you Google it, you'll probably come up  
15 with who's on there and what their agenda is.

16 MS. AVELLAR: How do you spell PLAC?

17 MS. LYONS: P-L-A-C. It's an acronym for Pilgrim  
18 Legislative Action Committee or Council, something like  
19 that.

20 MR. DELANEY: Good. So continuing with that  
21 longtime issue but with progress hopefully.

22 **SUPERINTENDENT'S REPORT**

23 MR. DELANEY: So that brings us to the  
24 *Superintendent's Report*, although as I look down the

1       other end of the table, I don't see the superintendent.  
2       So in the meanwhile --

3               MS. AVELLAR: He's wandering. I just saw him go  
4       that way (indicates).

5               MR. DELANEY: I will ask the committee if they have  
6       any other issues that you, the Commission, would like to  
7       be raised today. I'll ask you also to be thinking about  
8       -- and I'm sure we'll handle this at the end -- issues  
9       for our next meeting and the date. That's something we  
10      always deal with, but that can wait till we get to that  
11      part of the agenda.

12              So, George, we just moved to Item No. 5.

13              MR. PRICE: Sure.

14              MR. DELANEY: And I will make one other request of  
15      the Commission members to allow for public comment on  
16      this issue now rather than wait till the end of the  
17      meeting because I know we'll have a few people that will  
18      want to say something.

19              So I will be happy to entertain comments and  
20      questions from the public at the end of this first  
21      report on the shorebird management plan, and then we can  
22      go on with the rest of your report, George.

23              MR. PRICE: Sure.

24              MR. DELANEY: So, please, the floor is yours.

1        SHOREBIRD MANAGEMENT PLAN/ENVIRONMENTAL ASSESSMENT

2                MR. PRICE: Basically you all recall the November  
3 meeting. Mary Hake gave the review. We're into the  
4 public comment. Mary made the determination to extend  
5 the public comment period till today practically. We  
6 were able to set up the Commission meeting for today up  
7 to closure at the same time.

8                During that meeting, it was requested that I make  
9 presentations to members of the board of selectmen that  
10 were interested. Specifically we did speak -- Kathy and  
11 I and Mary Hake went to Wellfleet, and then Mary and I  
12 also went to the Provincetown Board of Selectmen. We  
13 also have been individually with private citizens who  
14 had particular questions, and then as recently as this  
15 past Friday, I met with representatives from the hang  
16 gliding community as well as the Massachusetts Beach  
17 Buggy Association. The Beach Buggy Association had a  
18 lot of concerns, and I fully anticipate that I'll be  
19 getting more information from them before close of  
20 business today. I don't know if there are any  
21 representatives here today, but I encouraged them to  
22 come here to make comments directly to you all if they  
23 were particularly interested.

24                So I understand there are about -- as of last week,

1       there were about 300 comments that had already gone into  
2       the PEPC site. So that was the web-based site that  
3       people could comment individually. I don't know if that  
4       counted the hard copies or the e-mail copies that I've  
5       received directly. So basically everything that we get,  
6       if it's a hard copy, it gets scanned, and if it's an  
7       e-mail separate addition to me, it gets forwarded to the  
8       PEPC site. So all of it gets rolled up there.

9               Today I received the comments from the Humane  
10       Society U.S., including a CD with 1,647 comments.

11              MS. AVELLAR: How many?

12              MR. PRICE: 1,647 comments on a CD.

13              Sharon, I've never -- never experienced that  
14       before, so I'm assuming --

15              AUDIENCE MEMBER (SHARON YOUNG): It's good that it  
16       isn't manatees. That was 32,000.

17              MR. PRICE: 32,000? So I understand that this is  
18       all legitimate submittal for part of the record, and  
19       we'll have to see what that is.

20              I will tell you that the feedback from the towns  
21       and individuals has almost exclusively been about the  
22       predator management piece, and in some cases, it's  
23       specifically just the avicide. In some cases, it's the  
24       predator -- it's the lethal option, period. In other



1 cases, there has been more concern about the EA in  
2 general. Both the Humane Society U.S. and the  
3 Massachusetts Beach Buggy Association are asking us to  
4 reconsider, to go forward with a full EIS, to start over  
5 basically, and in other cases, it's to extend the  
6 comment period. So we really do have a range of focus  
7 here.

8 I will tell you anecdotally that I've also received  
9 a lot of positive conversations from people who support  
10 the Alternative B and the selective predator management  
11 program the way it's stated. I have no idea how many of  
12 these may or may not have actually submitted their  
13 comments to that effect. It's obviously their  
14 initiative to do so. So you can see that it really runs  
15 the gamut of everything that we have.

16 People have asked me, all right, what's the next  
17 step? Well, basically the next step is that we would  
18 have to take a review of all the comments. We basically  
19 will tally up, if you will, the comments in the  
20 different nature of things. The definition -- every  
21 time somebody has asked me whether it was pro or con,  
22 make sure the comment is substantial. So generally just  
23 a terse "I like the plan. I don't like the plan" isn't  
24 particularly substantial. So I'm looking for a

1       substantial piece.

2               Then our staff has the opportunity to review. And  
3       when I say our staff, I'm talking about not only Mary  
4       Hake, Kathy and I, and Bob as the acting division chief,  
5       but also we work with the contractor, who we met, who  
6       you met at that last meeting. We work with our  
7       environmental compliance people in the Philadelphia  
8       office as well as our attorney.

9               So basically the standard that we look towards is  
10       basically legal and policy issues related to the goals  
11       of the Seashore and related to the goals of the  
12       shorebird management plan. So that really is what we're  
13       taking a look at, and then we would really take a close  
14       hard look and review and take a look at what our options  
15       are. So if it was a straightforward EA -- now, the last  
16       EA I was involved with here frankly goes back a while.  
17       It was '07, and it had to do frankly with the off-road  
18       vehicle access in Provincetown. I don't think we've  
19       done any EA's since then.

20              MS. TEVYAW: We did an EA for Herring Cove Bluff.

21              MR. PRICE: Herring Cove Bluff, you're right.  
22       Well, there's another example. That was, you know, yes,  
23       another EA.

24              So ultimately for an EA to work, you need a ROD or

1       what's called a record of decision.

2               MS. AVELLAR:   A what?

3               MR. PRICE:   A ROD, record of decision.

4               I think I mentioned this last time; that basically  
5       once the package is put together, what the staff would  
6       do is consider all the input and then determine is there  
7       anything in the input that would cause us to rethink,  
8       rework, restate some of the items in the draft EIS.

9               MS. TEVYAW:   EA.

10              MR. PRICE:   Excuse me, EA.   Or EIS.   It's actually  
11       very similar --

12              MS. LYONS:   Can you say the acronyms, what those  
13       two mean.   EA is?

14              MR. PRICE:   An EA is an environmental assessment.

15              MS. LYONS:   Assessment, okay.

16              MR. PRICE:   The EIS is an environmental impact  
17       statement.

18              The environmental impact statement by definition is  
19       generally a lot more extensive and expensive.   When we  
20       did the EIS for the hunting, it took six years, an  
21       extraordinary amount of time and money.   This has taken  
22       five years and a lot of money and time.   So they're both  
23       long-term processes for sure.

24              So if it was straightforward, then we would just

1       make the additions, the subtractions in that final  
2       document that we would believe would be a sufficient  
3       response for the comments that came in. In the  
4       meantime, we would also list the types of comments that  
5       came in, and we would actually list the responses to all  
6       of them generally anyway, but it would be the ones that  
7       were -- that were substantive as it related to the legal  
8       and the policy issues in the document. Those are the  
9       ones that we really would have to wrestle with to  
10      determine what our course of action would be. Once that  
11      was then put together and by this team, then I would  
12      recommend this to be signed by the regional director.  
13      The regional director then would consult with the  
14      regional compliance people and with the solicitor. So  
15      basically then the three of us in essence would be  
16      recommending this to be signed, and then once it's  
17      signed by the regional director, then it becomes the  
18      policy document.

19               Yes, Mary-Jo?

20              MS. AVELLAR: My question is, I mean, a lot of  
21      people have spoken to me about the plan, mostly in  
22      opposition, of course, and I'm kind of disturbed that  
23      remarks that aren't what you would call substantive  
24      would not be included. I mean, a lot of people just

1 plain have an inbred opposition to the notion of killing  
2 animals.

3 MR. PRICE: Right.

4 MS. AVELLAR: Because in order to protect the  
5 birds, they just think nature should take its course.  
6 And I would be very distressed if people that aren't  
7 capable or willing to make extensive remarks wouldn't be  
8 included in the notification that they've given us about  
9 --

10 MR. PRICE: Well, first of all, they'd be included,  
11 but basically sometimes you just get postcards that just  
12 say it's a -- you know, or wrote 27 people said no.  
13 Well, we would record the 27 people who said no.

14 MS. AVELLAR: Okay.

15 MR. PRICE: We're not throwing anything out.

16 MS. AVELLAR: Oh, okay, fine. That's what I meant.

17 MR. PRICE: It's just that does it have an impact  
18 on the --

19 MR. ROBINSON: On the response?

20 MR. PRICE: On the response.

21 MS. LYONS: Yeah, it would be, you know, if there  
22 is another way or a suggestion or maybe if you did it  
23 this way, that is helpful as far as thinking -- that  
24 they're thinking beyond --

1           MR. PRICE: Well, very seriously last time it was  
2 recommended that we put the exclosures up and put bells  
3 on the exclosures to keep the predators away. Obviously  
4 if you have birds in the exclosure, bells aren't going  
5 -- it's not a reasonable alternative.

6           MS. LYONS: Right.

7           MS. AVELLAR: Some people just aren't capable for  
8 whatever reason of making those kinds of comments, but  
9 they have a deep-seated feeling that doing this is  
10 wrong. And I wouldn't want that to not factor into  
11 whatever decision you make when the time comes.

12          MS. GREEN: Did you say to us earlier that those  
13 comments would factor into the decision but you would  
14 not give a response, a direct response to those  
15 comments?

16          MR. PRICE: If we have 2,000 comments, no, we're  
17 not giving individual letters to 2,000 people.

18          MS. GREEN: But the comments about --

19          MR. PRICE: Because some people are just wanting to  
20 comment on the plan. They want to be recorded.

21          MS. AVELLAR: I know a lot of vegetarians. Put it  
22 that way.

23          MS. GREEN: And a lot of people have said to me in  
24 Wellfleet that they oppose the avicide. So in other

1 words, you will be taking a look at that, but you're not  
2 responding directly to them; is that correct?

3 MR. PRICE: Correct. In the documents, we would  
4 record X number of people said no lethal action at all.  
5 Other people said, "You can do the lethal action, just  
6 no avicide." So it would be in the document that we  
7 would respond to whatever our response was going to be,  
8 but in other cases, the responses, the recommendations,  
9 and the analysis that they did was a lot more material.  
10 They had the time and the background to really take a  
11 look at what we're doing and what did that mean.

12 I'll give you an example. On Friday there were a  
13 number of very specific questions the members of the  
14 MBBA had, and it had to do with what was in the  
15 documents and what do these signs mean at Hatches  
16 Harbor, how are you going to determine -- it says in the  
17 document under the lethal predator up to 50 animals.  
18 Well, how do you measure 50 animals? And if you just  
19 have these poison eggs out, how do you know how many  
20 birds you've killed? And basically the response was  
21 it's one egg would equal theoretically one bird. So  
22 that would be a tally as to how it's actually happening  
23 out in the field right now. So that was information  
24 that they needed to understand the plan in a better way.

1           The paragliders, we were talking about what was  
2           said -- some of you may have seen the article in  
3           Saturday's paper because the paragliders were concerned  
4           because we were recommending constraining the weeks that  
5           the paragliders can actually be out. So we had a  
6           conversation to explain that right now paragliding that  
7           happens, happens in Wellfleet, and they go on and off of  
8           Whitecrest because paragliding in the rest of the  
9           Seashore is already legally prohibited. And some of the  
10          people who paraglide weren't even aware of that. They  
11          know they go to Wellfleet. They know that that's where  
12          they go and come from, but they might not have even been  
13          aware that they would be prohibited from going off of,  
14          say, Nauset Light Beach or something like that.

15          So in some cases, there's more information that's  
16          going to be incumbent on us to do individual responses  
17          as opposed to just -- because those would also be a lot  
18          more specific than more general ones that we get with  
19          these larger categories of avicides and predator  
20          management, for example.

21          MR. DELANEY: Question from Mary-Jo?

22          MS. AVELLAR: How do you know when you put the eggs  
23          out that, say, a coyote doesn't eat the egg?

24          MR. PRICE: Two things. As it was explained when



1 we did our workshops a while ago, the people from APHIS,  
2 which is from the Department of Agriculture, who we  
3 would have to contract with to do this work -- they're  
4 the ones that do this work around the state generally.  
5 So as it was explained to us, basically if we have an  
6 area that's being predated and our people that are in  
7 the field, our shorebird management specialists say this  
8 area is really being hit by a (inaudible) of crows, for  
9 instance. We've seen the footprints. We've observed  
10 the crows, what have you. So we would contract these  
11 people, and they actually come out. And the first thing  
12 they said they'd do is they would put out a decoy egg.  
13 So they would put out a regular chicken egg. And what  
14 they did is they put an enclosure that didn't have a top  
15 to it. So you've seen those enclosures, wire cages?

16 MS. AVELLAR: Oh, so nobody can walk in? They can  
17 only fly in?

18 MR. PRICE: Right. And once they saw -- once there  
19 was evidence of a crow coming down to that fake nest and  
20 eating that egg, then they would put out the egg that  
21 had the avicide in it.

22 MS. AVELLAR: Thank you.

23 MR. DELANEY: Question, Lilli?

24 MS. GREEN: I do have a question since my board of

1 selectmen did vote to send a letter, and the letter was  
2 voted on by the board on December 15 to support  
3 Alternative B of the shorebird management plan with the  
4 exception of the provisions relating to the use of  
5 avicide as a lethal deterrent, which the board does not  
6 support. And I do have copies if anyone would like a  
7 copy of that.

8 I wanted to clarify in the meeting that you will  
9 respond to my board of selectmen in Wellfleet.

10 MR. PRICE: Yes.

11 MS. GREEN: And that the second thing I wanted to  
12 clarify at the meeting is a question I asked previously,  
13 which is, is it in any way possible to as you're looking  
14 at the plan, since Provincetown and Wellfleet did make  
15 that specific request, to seriously consider if you  
16 decide to move forward with an avicide plan to use it as  
17 a last resort or to exclude Wellfleet or Provincetown  
18 from that particular direction?

19 MR. DELANEY: Can I just back up a sec? Thank you,  
20 Lilli.

21 Did you want to finish anything else in terms of  
22 your introduction about feedback numbers? We kind of  
23 jumped into the question and answer period, but was  
24 there anything else you needed to say? Would it be

1       worth even just refreshing our memory of the four  
2       options?  There's a preferred --

3               MR. PRICE:  Sure.

4               MR. DELANEY:  One sentence each so we can refer to  
5       what the board of selectmen in Wellfleet just did?

6               MR. PRICE:  Sure.  Basically, if you recall, there  
7       were four alternatives.  This was the outline  
8       requirement by the NEPA process, the National  
9       Environmental Protection Act process.  So basically the  
10      Alternative A was to continue doing what we're doing  
11      right now.

12              MS. AVELLAR:  Which is nothing.

13              MR. PRICE:  Well, no, it's everything with  
14      shorebird management that we do right now.

15              MS. AVELLAR:  That's not what it said.  No lethal  
16      --

17              MR. PRICE:  It doesn't include any lethal  
18      management.

19              Alternative B actually, yes, it also has the  
20      selective predator management piece, but it also had a  
21      number of other issues related to shorebird management  
22      program.  And Mary outlined those for you.

23              And then basically C and D were just more  
24      restrictive shorebird management pieces.

1           And C and D also contained the lethal predator?

2           MS. TEVYAW: D did not.

3           MR. PRICE: D did not.

4           MS. TEVYAW: And it's the most restrictive.

5           MR. PRICE: D is the most restrictive.

6           MR. DELANEY: These were just like off limits to  
7 everybody. Everything is so you don't have to worry  
8 about it.

9           MR. PRICE: Pretty much, right.

10          MR. DELANEY: Okay, thank you.

11          So now we've got a couple of questions already.  
12 Are there any other questions from the commissioners?  
13 Larry, please?

14          MR. SPAULDING: George, speaking with Orleans,  
15 they're pretty -- pretty -- they're very intensely  
16 concerned about birds and what goes on. The general  
17 management plan would apply to Orleans as part of the  
18 Seashore, but you haven't really done much in terms of  
19 bird management in Orleans because they've had to do  
20 their own. Am I right?

21          MR. PRICE: Well, it's not -- it's not as  
22 happenstance as that, Larry, frankly. Orleans and  
23 Chatham adopted to manage the Seashore beaches within  
24 their towns.

1 MR. SPAULDING: Right.

2 MR. PRICE: So they never turned over management to  
3 the National Park Service. So they manage their  
4 shorebirds and the rest of their beach activity  
5 according to standards. In the case of the shorebird  
6 management standards, they are under the same standards  
7 we are or guidelines from the U.S. Fish and Wildlife  
8 Service.

9 MR. SPAULDING: Right.

10 MR. PRICE: The difference is they report to the  
11 state Fish and Wildlife Service. So the state Fish and  
12 Wildlife Service uses the same standards. So because we  
13 both have to adopt the standards of U.S. Fish and  
14 Wildlife Service, I have no oversight over Orleans and  
15 Chatham because you all are required to do it according  
16 to the same standards we are basically.

17 MR. SPAULDING: Thank you. That was really my  
18 question.

19 MR. PRICE: Yeah.

20 MR. SPAULDING: Okay.

21 MR. PRICE: And you have had up until fairly  
22 recently Scott Melvin, who was the most I think --  
23 provided a lot of direct oversight to everybody in the  
24 state and had a lot to say about our program as well.

1       So no, it does not -- so to clarify even more, this does  
2       not refer to Chatham and Orleans because the National  
3       Seashore does not manage those beaches.

4               MR. DELANEY: Thank you.

5               Other questions? Lilli?

6               MS. GREEN: Yes. And I did want to preface my  
7       comments by saying thank you very much to you and the  
8       other staff members who did come to our board of  
9       selectmen meeting in Wellfleet and did a presentation  
10      and answered questions. I think it helped clarify a lot  
11      of issues for our board of selectmen, the people in the  
12      audience, and the people in the public that watched  
13      that, but I would like you to talk a little bit about  
14      can you exclude Wellfleet or Provincetown from an  
15      avicide plan at the beaches.

16              MR. PRICE: Sure. And my response would be I would  
17      not see that as a practical opportunity. It would seem  
18      to be able to be Seashore-wide or not. Especially we'd  
19      have to take a look at where the shorebirds are.

20              One of the items that I'd also want to mention is,  
21      remember, this is an allowance. So it's not like we're  
22      going out and doing this right away, but I have no  
23      ability to do it at all unless we get this allowance.

24              MS. AVELLAR: You mean money?

1 MR. PRICE: No, excuse me. Permission.

2 MS. TEVYAW: Authorization.

3 MR. PRICE: Authorization through this process. So  
4 I'll give you an example. At the Provincetown meeting,  
5 Mary Hake talked about the example in Plymouth where the  
6 one coyote had the equivalent of a hundred some terns in  
7 its system, that it wiped out a tern colony in one  
8 night. And the gentleman in Provincetown said, "Well,  
9 if you see a coyote doing that, well, then just shoot  
10 him." Well, we do not have the legal authority to do  
11 that now because we do not do predator management right  
12 now. What -- we can only interfere if the coyote was  
13 harming a human. If it was a human attack, then, yes,  
14 our rangers would be able to go in and do a public  
15 safety piece, but they would not have that option to do  
16 that. So we are basically looking for that kind of  
17 permission.

18 The second part of it is, even once we have the  
19 authority to do the inside piece, we have to have the  
20 money to do that, and we have to have the management in  
21 place to have selectively decided, you know, here's  
22 where the predation is particularly heavy, this is where  
23 it would be the most effective to actually use this  
24 particular technique, and therefore, let's try this here

1 on a pilot basis, et cetera. But, yes, that's where the  
2 money comes into play as to do we even have the money to  
3 do that sort of thing. But in the meantime, we're not  
4 able to exercise that option to try to protect those  
5 birds at all at this point. So this is really looking  
6 for that kind of authority under the EA process.

7 MR. DELANEY: Okay, question? Sheila?

8 MS. LYONS: If I could just bring it one more step.  
9 Then by opening up -- by considering different options  
10 and allowing them in the allowance, in the  
11 authorization, you're not necessarily using them  
12 indiscriminately. Okay, now we're just going to -- I  
13 think what people have in mind is we're just going to be  
14 putting out crows and birds are going to be dropping  
15 from the sky. We're going to be -- you know, a coyote's  
16 kind of walking along the shore and we're just going to  
17 take it out. That there's actually -- is that it would  
18 be much more thoughtful in its application and you would  
19 have it available to you if you were able -- if you had  
20 the opportunity to target and use it. So in a sense  
21 it's giving you a flexibility that doesn't -- a  
22 flexibility of options. It doesn't mean that they're  
23 the first option that you would use, nor an option that  
24 would be utilized if you were able to find another way



1 around it.

2 MR. PRICE: Correct, yeah.

3 MS. LYONS: Okay.

4 MR. PRICE: Another example with the Beach Buggy  
5 Association folks, something that this group hasn't  
6 brought up -- Mary talked about it -- was called  
7 flexible management. You might remember that from our  
8 presentations to the board as well. So flexible  
9 management basically means, quote, say less protection.  
10 So I'll give you a very specific example of what that  
11 means. Several years ago down here at Marconi Beach  
12 when you went down the stairs immediately to the right,  
13 there was a plover nest that decided to set up. And we  
14 actually had to put staff out there every day, and we  
15 had to fence the entire beach to the right in order to  
16 meet the Fish and Wildlife --

17 MR. COOK: The buffer.

18 MR. PRICE: Pardon?

19 MR. COOK: The buffer.

20 MR. PRICE: There's a buffer that was required by  
21 the standards from Fish and Wildlife Service as to what  
22 you would need to buffer. So it was absolutely insane  
23 in July to go down there because you had this crush of  
24 humanity to the left-hand side of the beach, and you

1       have this big open space to the right. And we all knew  
2       that with that much human activity it was not likely  
3       that that was going to be a successful nest anyway, but  
4       we didn't have the legal permission to do anything other  
5       than that without being called, quote, a take. So we  
6       applied to Fish and Wildlife Service at that time for --  
7       what's the term?

8               MS. TEVYAW: Section 7.

9               MR. COOK: Section 7.

10              MR. PRICE: Section 7, which would allow us to have  
11       a little bit more flexibility. So in the current plan,  
12       we're actually asking to expand that Section 7 ability  
13       from up to five examples of nests where we can use that  
14       flexibility.

15              So some of the folks from the Beach Buggy  
16       Association were concerned of the wildlife management.  
17       Well, you know, again, is it going to be indiscriminate  
18       use of this thing? Well, since we actually got that  
19       permission now --

20              MS. TEVYAW: In 2010.

21              MR. PRICE: -- in 2010, we've, in fact, only used  
22       it once because our staff identified that was the one  
23       place that we needed to initiate that particular thing.  
24       And what that meant was instead of having the large

1       buffer, we just put a fence immediately around the nest  
2       so that the individual animal was not going to be harmed  
3       by walkers, but basically the adult plovers realized  
4       this was not the best place to nest and they would  
5       relocate.

6               MR. DELANEY:   Mary-Jo?

7               MS. AVELLAR:   That's exactly the problem that  
8       people in Provincetown are having.  They don't trust the  
9       Cape Cod National Seashore to exercise the flexibility  
10      to the advantage of the people of Provincetown.  And I  
11      have been -- and the selectmen voted to keep things the  
12      way they are.  I think one selectman might have voted to  
13      take out a coyote or two, but they're basically in total  
14      opposition to the use of the avicide and are worried  
15      that beaches like Hatches Harbor may wind up being  
16      closed, that people may not even be able to walk their  
17      dogs even if they're on a leash.  There is concern --  
18      and I did hear from Mark Forest who was meeting with the  
19      MBA (sic) on maybe Friday I think.

20              MR. PRICE:   Actually, he was in our meeting.

21              MS. AVELLAR:   Yeah, and concern that there'll be  
22      even more beach closures, which is a traditional and  
23      historic use in the Town of Provincetown.  So I feel  
24      like Solomon's baby, you know what I mean?  But I have

1 to say that people in Provincetown in spite of the good  
2 practices we've seen and the cooperation that we've seen  
3 with the current superintendent and even his  
4 predecessor, people just plain don't trust the Seashore.  
5 And we have probably given more beach to the National  
6 Park than any other town in the district, and to lose  
7 anything else would be something that Provincetown  
8 really would be vehemently upset and opposed to.

9 So the selectmen were grateful, as you say, Lilli,  
10 you know, to have had the superintendent and Mary come  
11 and make a presentation, but we're just concerned in  
12 Provincetown that we're going to lose more. We've  
13 already lost a lot, and when we get through with this, I  
14 need to know what's going to happen out at the New Beach  
15 parking lot, but that's later on.

16 MR. PRICE: One of the things that came under the  
17 --

18 MR. DELANEY: Go ahead.

19 MR. PRICE: Two, I'm not sure that we made that as  
20 clear, but in meeting with the -- and I guess Mary made  
21 it -- said in their presentation -- I don't recall, but  
22 Mary was just recounting -- Mary's been doing this for a  
23 long time with the National Park Service, and she said,  
24 you know, when she first started (inaudible) the

1 plovers, basically the fledging period ended around July  
2 4. And with the real pressure from the predation over  
3 these years -- because every time a nest is predated,  
4 they get renested and renested, and now it's into  
5 August. And the August broods we know are not going to  
6 survive because they don't have enough time to get  
7 themselves fat enough with feeding on the beaches in  
8 order to make the migrations. So that is an example of  
9 requiring beach closures to go on longer and longer and  
10 longer. And if we had the opportunity to protect the  
11 nests from the predators during the period when these  
12 birds are hatching and, therefore, the eggs are  
13 preserved and/or the chicks have a chance to get to the  
14 fledging period, then the birds wouldn't have to renest.

15 MS. AVELLAR: So I think that if you could tell the  
16 Town of Provincetown -- and I don't know about the other  
17 towns -- "We're only going to do this for the birds, you  
18 know, during this particular period so that they can  
19 fledge and go," then I think everyone would be happy,  
20 but what they see in the plan is more extensive long-  
21 term, down the road opportunities to make the Seashore  
22 less accessible to the public. And I think that that's  
23 the problem Provincetown has with it.

24 MR. PRICE: And my opinion is that that might be

1 the way people are reading into it as opposed to what it  
2 actually says.

3 MR. DELANEY: Sheila?

4 MS. LYONS: I think that's true because people just  
5 see that this is the plan. They're not going to read  
6 the whole plan, so they're reading what their -- what  
7 their papers are telling them, so like the thumbnail  
8 sketch that it includes lethal actions, you know, of  
9 animals and birds, and it doesn't feel good to anybody.  
10 Nobody likes to think that we're going to do the one  
11 next and not the other. But if it was really realized  
12 -- and there are facts to back it up, such as you've had  
13 authority to do something, you've exercised that  
14 authority once because it was the appropriate action at  
15 the appropriate time, and that's how you assess these  
16 things, I think people would be more willing to  
17 understand that this is just giving you the flexibility  
18 to act on that particular situation, not "We're just  
19 going to do this as an overall practice --" --

20 MR. PRICE: Right.

21 MS. LYONS: -- "-- and it might even hit other  
22 birds, but that's too bad."

23 So I think that needs to be stated, and if there is  
24 a certain amount of caution or mistrust, you know, we

1       here in that room can help -- in this room can help  
2       reinforce the positive and the factual cases that prove  
3       that that's an overreaction and a fear, that it's based  
4       on fear.

5               MS. AVELLAR: Well, a guy who does this in  
6       Provincetown is a guy named John Thomas, who is a  
7       lawyer, and his particular area of expertise was with  
8       Native Americans and those kinds of issues. So he read  
9       that thing from stem to stern -- I would say better than  
10      I read it -- and these were all the things that he saw  
11      in this plan as being particularly dangerous to  
12      Provincetown. So it wasn't just somebody who was  
13      worried who said, "Oh, gosh, maybe this can happen."  
14      We're talking about a professional person who looked at  
15      the plan and advised the selectmen that this is probably  
16      not a good thing to do. So that's why they voted the  
17      way they did.

18             MR. DELANEY: Thanks.

19             Don?

20             MR. NUENDEL: Just George touched on this last  
21      meeting, and we talked about it during lunch today. And  
22      I think it's a very important fact that the public  
23      should understand -- personally I think that -- is the  
24      fact that this predator management will shorten the

1 season, the -- if the birds lose their nest and the  
2 adults survive, they're going to start another one.  
3 They're going to start another one. And then it goes  
4 into August and sometimes September. If the predator  
5 management is done correctly, they could have the  
6 fledges and be out of there by mid-July or July 4, and  
7 that's a positive spin on this whole thing that people  
8 may not understand.

9 MS. LYONS: And it's not just a spin. It's a  
10 reality.

11 MR. NUENDEL: It's a reality, right.

12 MR. PRICE: It's a reality depending on how much  
13 money we have to actually even do it.

14 MS. LYONS: Right, true.

15 MR. PRICE: So it's not going to be broad-based at  
16 all.

17 MR. DELANEY: And how many tools you have in the  
18 suite of management tools to do it, which is what you're  
19 seeking authorization for now.

20 MR. PRICE: Right.

21 MR. DELANEY: I think you're right, and I'd just  
22 like to weigh in a little bit. I think that's a good  
23 point, Don, and the illustration of the reduced -- the  
24 early restricted access of Marconi last year and the



1       year before, which might have been able to be managed  
2       around, is something that really illustrates why having  
3       a broader or more flexible set of management tools would  
4       help. And I think the people in Provincetown, if they  
5       read that, would realize that might be -- you know, they  
6       could see the other side of the coin.

7               MS. AVELLAR: That's true.

8               MR. DELANEY: If John had read the other side of  
9       the coin. But I think we're moving toward a point where  
10      I'm going to ask for public opinion if there's no -- is  
11      there more -- I think everyone's had a chance to  
12      comment.

13              Larry? One more?

14              MR. SPAULDING: Just a question as to whether --  
15      basically Orleans and Chatham don't have a stake here  
16      because the issues weren't raised. So we've got four  
17      towns, and we've already heard that two of them have  
18      selectmen who have specific issues that are opposed to  
19      this plan. And my question is, is the Commission going  
20      to take an advisory position or not? And I'm not saying  
21      we should, but that's kind of what we're supposed to do,  
22      if we want to do it.

23              MR. DELANEY: In the last meeting or the past two  
24      meetings, we came to -- at least I thought I read the

1 Commission's opinion that we did not have strong enough  
2 support for one way or the other in any one of the four  
3 options. It wasn't strong enough to have me justify  
4 appointing a subcommittee that would go into great  
5 detail. As you recall, in our past issues with things  
6 that have come before us, when we felt there was  
7 something really important that we all shared a majority  
8 opinion about, the former Dune Shack Subcommittee or the  
9 ORV Subcommittee, and that that subcommittee really led  
10 the detail necessary to bring back a well-informed  
11 opinion or to advise us to then advise the Secretary and  
12 the superintendent. I didn't get that sense because,  
13 yes, there are some different opinions at the table and  
14 the towns have some different opinions, but there wasn't  
15 a universal concern on one issue. So we did not form a  
16 subcommittee. So we don't have the benefit of a  
17 recommendation from a group of us who spent a lot more  
18 time, the necessary time needed to really come up with  
19 an informed decision.

20 So as of today, we were just going to voice  
21 individual recommendations to the superintendent  
22 directly and leave it at that. There is always a chance  
23 people could put a motion on the table, if you want.  
24 I'm not ruling that out. That's fair for us to do at

1       this point and give any specific recommendation to vote  
2       on, but we had not been heading in that direction up to  
3       that point.

4               Does that help, Larry?

5               MR. SPAULDING: Yeah, because there seems to be in  
6       our general discussion one thing that we seem to be  
7       agreeing upon, is that if, in fact, one of the predator  
8       control options is adopted, they could soften that by  
9       the language in the general management plan about how  
10      they want to use it. I mean, we just had some  
11      discussion that may make some sense in some cases to use  
12      it. So it won't look like this is all of a sudden we're  
13      going to be out there with shotguns and poison eggs as  
14      soon as this thing passes, which obviously is not what  
15      George intends to do. And I think he can soften that by  
16      having language in the actual plan when they decide it,  
17      but I think it would be better off for all of us  
18      concerned, and that may be a position that we could take  
19      as a commission as opposed to saying we're in favor of a  
20      particular A, B, C, or D.

21              MR. ROBINSON: Is it a question of last resort? Is  
22      that what you're saying? That the lethal management  
23      would be an action of last resort?

24              MR. SPAULDING: No. No, that's more -- that's kind

1 of taking a position on the lethal management. What I'm  
2 saying is that there would be more -- that they  
3 understand that it's to provide flexibility only when  
4 really necessary. I wouldn't use last resort because I  
5 don't think that --

6 MS. LYONS: I'd say it's more targeted. It's a  
7 targeted -- it's targeted and made specific to the  
8 condition that you're being presented with. It's not,  
9 "Okay, it's going to be the season. Let's start  
10 knocking everybody out of the way so that these birds  
11 can --" -- you know, now you see that there's been a  
12 nest that has -- you have facts, factual data showing  
13 that there is this one coyote that's going down and  
14 killing off every time that it's...

15 MR. PRICE: And that's not hypothetical.

16 MS. LYONS: Right.

17 MR. PRICE: I mean, two years in a row we've had  
18 the entire tern colony wiped out at Head of the Meadow  
19 in Truro.

20 MS. LYONS: Right. I mean, we watched that film  
21 ourselves of one of the night predators.

22 MR. DELANEY: And Larry has put on the table I  
23 think an interesting idea that has some commonality  
24 among all of the various towns, which is to use -- if

1 proceeding forward the Park is to ever use a predator  
2 control technique, it be done in a very targeted,  
3 prudent -- whatever adjective's way.

4 MR. SPAULDING: Uh-huh.

5 MR. DELANEY: I'm trying to fashion some language.

6 MS. LYONS: Well, what you want to do -- you have a  
7 mandate to protect a threatened species, and we are all  
8 in support of that. Everybody wants to protect this  
9 little species. And then you also have to have a built-  
10 in there as the respect and wanting to give the ability  
11 to the local people to be able to carry out their  
12 recreational and cultural traditions. And by not being  
13 able to manage one in a more targeted, specific, and  
14 flexible way with tools that could be used, to have the  
15 ability to use tools in those specific ways, you're not  
16 accomplishing either thing. You're prolonging the  
17 season, and you're not protecting the birds and the  
18 outcome. So we'll always have this sort of endangered  
19 population whose numbers are not being able to grow  
20 because of the restrictions of the toolbox, of the  
21 options, which is then, therefore, creating more angst  
22 because people are not being able to recreate the way  
23 they would like to, and those months are getting longer.  
24 So there is a balance here, and people have to

1       understand that you're not just trying to do one plan.  
2       But it's a flexible management. It's a lot like the  
3       wastewater. I mean, we're not just going to -- we're  
4       not going to store everything. We can do specific  
5       remediation in specific areas as it dictates and only  
6       when it dictates, and we can be flexible.

7               MR. DELANEY: Is that a motion? Is that a long  
8       motion you're putting in?

9               MS. LYONS: It's a long way of assessing the whole  
10      story.

11              MR. DELANEY: Let me ask the superintendent to  
12      respond.

13              MR. PRICE: If you don't mind, just as a point of  
14      clarification, the advantages that I've talked about  
15      with reducing the number of renesting and by  
16      implementing these management actions, the access to the  
17      beach would be an ancillary benefit. That's not why we  
18      would do that.

19              MS. LYONS: Right.

20              MR. PRICE: Or we wouldn't be doing this to provide  
21      more access. We'd be doing it to get the birds to  
22      successfully fledge, to become more successful. We  
23      believe the ancillary benefit would be more open access  
24      down the road, but I want to be very clear. So that's

1           why we would be taking these actions.

2           MR. DELANEY: That's fair.

3           Okay, so let me do this. We'll take a couple more  
4           questions from the commissioners. Larry has not an  
5           official motion on the table, but I think it might  
6           result in, with a little bit more deliberation, a motion  
7           that we would offer some advice on this. And then I'm  
8           going to go to the public because I think before we vote  
9           on anything, we should hear what the public has to say,  
10          and then we can come back in and fashion our  
11          recommendation.

12          Mark?

13          MR. ROBINSON: That's what I was going to mention,  
14          but I also had a question about Orleans and Chatham's  
15          recent experience designing their plan and heavy  
16          involvement from the state fish and game people, and I'm  
17          just wondering if those state staff biologists had input  
18          into this plan or conferred with or is there something  
19          that they can bring to the table. Have they commented  
20          on the plan, if you know?

21          MR. COOK: I know that there's been a lot of  
22          involvement with the U.S. Fish and Wildlife Service over  
23          the years, involved in this and some with the state. I  
24          doubt if it was as intense as with the Town of Orleans

1           because this park has a larger in-house staff to address  
2           these types of things, but definitely there has been  
3           ongoing coordination between (inaudible) with both the  
4           state and federal entities.

5           MR. ROBINSON: Do you know if the state fish and  
6           game has commented on it?

7           MR. COOK: I don't know specifically.

8           MR. PRICE: I don't know specifically either, but  
9           remember, the towns are reporting to the state. We're  
10          reporting to the U.S. Fish and Wildlife Service. So  
11          we've been dealing with U.S. Fish and Wildlife Service  
12          on these things as well.

13          MR. ROBINSON: I'm just saying that there is a  
14          level of expertise at the state level as well.

15          MR. DELANEY: Okay, Joe is next.

16          MR. CRAIG: Am I understanding it right that  
17          Orleans and Chatham eventually will have to come under  
18          the same -- same management plan because it will be  
19          different?

20          MR. PRICE: Yes.

21          MR. CRAIG: It will never be the same? The state  
22          will never have the same plan?

23          MR. PRICE: Not unless you all adopt it, no. The  
24          responsible -- remember, you all -- your towns are



1 responsible to be managing your areas up to the  
2 standards.

3 MR. COOK: George?

4 MR. DELANEY: More comment on that point? Bob?

5 MR. COOK: I was just going to -- another point  
6 that came to mind in reference to Mark's question, there  
7 was an article in the *Cape Codder* back in November about  
8 the state releasing its shorebird habitat conservation  
9 plan, and I recall a big feature of that article was  
10 that plan pointing out the need for more predator  
11 management activities as an element of that plan. So I  
12 just wanted to make you aware that that's kind of where  
13 the state Division of Fisheries and Wildlife is thinking  
14 in terms of analyzing what limiting factors in the  
15 shorebird productivity are and what needs to be done to  
16 improve that.

17 MR. DELANEY: Thank you.

18 Joe, you were happy with your response?

19 MR. CRAIG: (Nods.)

20 MR. DELANEY: Okay, Lilli?

21 MS. GREEN: Thanks, Rich.

22 So I wanted to clarify. From my understanding of  
23 what happened at the board of selectmen meeting in  
24 Wellfleet, recreation was not a motivating factor. It

1       was purely a concern about the crows and how the crows  
2       would be treated and other birds and that I would -- I  
3       appreciate what Larry has put on the table, and I would  
4       concur with what he said. However, I would hope that  
5       George and the other members of the Park that are  
6       involved might look at other situations, other EA's and  
7       see if there were any exclusions that could be made for  
8       Wellfleet and Provincetown since the boards of selectmen  
9       have asked directly these questions and the people from  
10      these towns have expressed such a concern about  
11      specifically the avicides.

12           MR. DELANEY: Thank you. I don't know if that's a  
13      part of the process already, but that's something that  
14      could be looked into.

15           So could I -- I'm going to go to the public next,  
16      and, Sheila, unless you have something new to ask about  
17      at this point.

18           MS. LYONS: No.

19           MR. DELANEY: So let us deliberate. Larry is  
20      trying to -- is coming up with a little bit of language  
21      so we can come back and revisit this discussion again  
22      right now, but I'll suspend our discussions among the  
23      commissioners, and I will open the floor for public  
24      comment.

1           Please identify yourself. Would anyone like to  
2           speak? Yes? Over here (indicates).

3           AUDIENCE MEMBER (MS. HELEN MIRANDA WILSON): For  
4           those of you who don't know me, I'm Helen Miranda  
5           Wilson. I was involved in this whole issue from the  
6           beginning in 2010. And I'm someone who's been  
7           protecting nesting shorebirds myself personally since  
8           before a lot of you even lived on the Cape. I grew up  
9           here, okay? So piping plovers are important. Terns are  
10          important. Protecting them from us is important, but  
11          I'd like to -- I'm on the selectboard now in Wellfleet,  
12          and I've read a lot of science on this. I've read  
13          everything Mary Hake has written about the plovers  
14          that's available for someone who's not a scientist. I  
15          care about this very much. I've researched this.  
16          That's my background. That's the short version. You  
17          don't want the long version.

18          I strongly urge you not to do a general vote for  
19          all the towns. The towns have different issues.  
20          Wellfleet, for example, has a few crows that are  
21          predating, that are eating -- they're not predating. We  
22          predate. We do sport hunting. We do sport fishing.  
23          They're hunting to feed themselves. It's not  
24          recreation. They're surviving. They're part of this

1        huge web that we live in, the natural world, most of  
2        which is not a constituency -- and, Mary-Jo, I'm sorry  
3        I'm standing behind you.

4                MS. AVELLAR: That's okay. Stay, Helen.

5                AUDIENCE MEMBER (MS. WILSON): -- that will not  
6        show up at this meeting or any meeting, will not vote,  
7        and will not speak. They simply die in the wild having  
8        been poisoned, if that happens.

9                I would not like to see the Park, which I feel is  
10       generally a very responsible agency in this neck of the  
11       woods, having the discretion to use avicides  
12       selectively, blanket permission. It would be nice if  
13       they had to go to their local conservation commissions.  
14       By the way, in Wellfleet our conservation commission  
15       doesn't think it's good work. They don't want the Park  
16       to be able to use avicides. I think there are many  
17       tools in the Park's arsenal to protect these birds, and  
18       a lot of them work.

19               Marconi Beach -- I go to the beaches. My boyfriend  
20       goes there all the time, every day, sometimes in the  
21       summer. It's a huge beach. If you can't use it to the  
22       right, you just spread out to the left, right? The  
23       beaches are -- we have so many beaches. People can use  
24       them at will. They could even be closed more than they

1 are to protect the shorebirds, and it would still work.  
2 Sure, some people would get whiny, but we have resources  
3 beyond belief here, and people get used to it.

4 I have a question. The option of keeping ORVs away  
5 from nesting areas during nesting season was dismissed.  
6 I'd like to know why because Wellfleet has had the  
7 courage to say no ORVs on our beaches at any time except  
8 for the ones allowed by the Park. You know, the Park  
9 ORV -- it's not an ORV. It's got chubby tires. It  
10 could go on patrol. Wellfleet doesn't allow any ORVs.  
11 We had the courage to do that. It's possible. And I'm  
12 not saying that should happen like in Provincetown, but  
13 during nesting season it would be good if it could.  
14 That's a question. Why was it dismissed out of hand in  
15 every locality?

16 MR. PRICE: I'm confused, Helen, as to what you're  
17 referring to exactly. Our ORV corridor has about the  
18 most prescriptive management oversight you can imagine  
19 that is sometimes impacted on a daily basis. So I don't  
20 know how you had read that we would now allow the ORVs.  
21 I think what the language talks about is, first of all,  
22 there's nothing in the present document that changes the  
23 negotiated rulemaking of the 1990s. So the corridor is  
24 going to be managed at least under all of those

1       prescriptions. We did not reopen the negotiated  
2       rulemaking. So that still applies. So perhaps we need  
3       to get more specific.

4               MR. DELANEY: Does Option 4 address this? Option 4  
5       would basically say no ORVs anywhere should that be a  
6       choice, right?

7               MR. PRICE: I think that was out there.

8               MR. DELANEY: Excuse me. It hasn't been dismissed.  
9       It's out there, but it's not the preferred option. But  
10      the second document --

11              AUDIENCE MEMBER (MS. WILSON): Yeah, there's a  
12      little sort of spreadsheet kind of thing at the end that  
13      says these options were dismissed. That's why it was a  
14      question. I didn't fully understand that.

15              MR. PRICE: Oh, I see. So we dismissed the --

16              AUDIENCE MEMBER (MS. WILSON): Overall.

17              MR. PRICE: -- option of not --

18              MS. LYONS: Closing.

19              AUDIENCE MEMBER (MS. WILSON): Everything.

20              MR. PRICE: Of not closing. Okay, now I  
21      understand.

22              AUDIENCE MEMBER (MS. WILSON): It was just a  
23      clarification.

24              MR. DELANEY: Yes, now he gets it.

1           MR. PRICE: It dismissed the option of eliminating  
2           ORVs. We were not reopening the negotiated rulemaking.  
3           We were accepting that all off-road vehicle use is an  
4           appropriate use for Cape Cod National Seashore.

5           AUDIENCE MEMBER (MS. WILSON): With restrictions?

6           MR. PRICE: With restrictions.

7           AUDIENCE MEMBER (MS. WILSON): Thank you for  
8           clarifying.

9           MR. PRICE: I misunderstood what you said. So yes,  
10          with restrictions it was not on the table to eliminate  
11          ORV use.

12          MR. DELANEY: Okay, thank you.

13          Other comments from the public? Sharon?

14          AUDIENCE MEMBER (SHARON YOUNG): I'm Sharon Young,  
15          and I'm the marine issues field director for the Humane  
16          Society of the United States. I'm a researcher by  
17          background, and my publications are all in the field of  
18          marine ecology. That's my background.

19          We submitted extensive comments, but I wanted --  
20          I'm just going to read just a paragraph that summarizes  
21          at the end, but before I do that, I just want to say  
22          that it's been an interesting discussion for me to  
23          listen to because I would expect this body is far more  
24          informed of what is in the plan than the public. It's

1 nice to hear that somebody on the board has read the  
2 entire plan, as I have too. There are probably not many  
3 of us. But there's a lot of verbiage in there, but  
4 unfortunately, there's not a lot of information on many  
5 of the things that are of concern to people, which is  
6 why the questions that you folks are raising are coming  
7 up. You don't understand how the exclosures are being  
8 done or how the animals are going to be selected because  
9 it's not specified in here. And one of the important  
10 parts of an environmental assessment and an  
11 environmental impact statement is that you have to  
12 specify what you're going to do, what its effect is  
13 going to be in a quantitative sense, and allow the  
14 public a full understanding of how all of that is going  
15 to work together, but if you don't specify -- and this  
16 plan doesn't -- how do you decide what is a threshold by  
17 which a predator will be judged and then need to be  
18 taken out or that a nest is preferentially selected for  
19 protection? None of that is in there, so it's very  
20 difficult for anyone in the public -- and I'm a very  
21 informed member of the public -- to try to figure out  
22 what exactly is being proposed.

23 With regard to consistency with the state, I want  
24 to point out that the plan is actually proposing to use



1 whole body traps, which are illegal in the state of  
2 Massachusetts. I understand this is federal property,  
3 but they were banned in this state back in the '90s. So  
4 there's a certain amount of disconnect as well.

5 And I also wanted to mention that there's been a  
6 lot of suggestion about, well, could you do Alternative  
7 B but just not use the avicide? And again, there's a  
8 50-predator cap of the number that could be killed  
9 without a specification of the certain percentage of  
10 crows versus mammals versus (inaudible). So Alternative  
11 B basically is saying we are going to consider  
12 sacrificing up to five nests per year, and in exchange  
13 for doing that, because that would result from increased  
14 public access -- in exchange for doing that, we're going  
15 to compensate for the loss of any of those birds by  
16 trying to reduce the amount of predation that is  
17 occurring as a balance. So if you're saying, "We want  
18 to do Alternative B. We just don't want to do some of  
19 this predator control," then that requires a different  
20 option because an environmental assessment by law has to  
21 provide a full analysis of the cost and benefit of every  
22 action because this never considered the idea that you  
23 could do Alternative B and just not do certain types of  
24 predator control. That's not analyzed, and therefore,

1 under the National Environmental Policy Act, it's really  
2 something the Seashore can't do. These are the  
3 alternatives that were presented. Those are the  
4 alternatives that were considered.

5 If an alternative has been thoroughly analyzed in  
6 this park and some other ones have been thoroughly  
7 analyzed there and you can legitimately hybridize them,  
8 that's a potential option, but to say we want Option B  
9 but we just don't want the avicide used or the certain  
10 predator control things used, you've taken away part of  
11 what the balance was that was given for the potentially  
12 sacrificed nest. And if the Seashore says, "Okay, well,  
13 then we wouldn't be killing birds doing that. We'll  
14 just sacrifice fewer nests," again, that isn't analyzed  
15 either. The only analysis done is in the 2010  
16 biological opinion, which would have to be redone if you  
17 want to increase the amount of nest sacrifices because  
18 you haven't considered that. So that's a legal  
19 background that the Seashore has to consider.

20 But in the statement I was going to read, we  
21 submitted 17 pages of comments and 70 footnotes maybe  
22 because all I do is like to read federal documents and  
23 write apparently. I used to have really good vision, by  
24 the way. But anyway, the summary I would say is:

1       (Reading) We have noted throughout the comments the  
2       vague language related to goals, metrics, and methods  
3       that will severely hamper the ability of the public to  
4       properly weigh the benefits and detriments of the many  
5       lethal and nonlethal management methods proposed.  
6       Nonlethal measures designed to support shorebird  
7       recovery are inappropriately limited, and we'd suggest  
8       alternatives that would reduce provisioning of predators  
9       and other things that may be contributing to increased  
10      predator populations. Environmental impacts of both the  
11      avicide and other aspects of lethal management program  
12      are inadequately specified and analyzed. Further, the  
13      Seashore dramatically limited both the public forum for  
14      discussion of the plan and scheduled a timing of a  
15      comment period on the proposals in a manner that has  
16      limited the broader public's awareness of and ability to  
17      comment on the controversial plan.

18           As we have stated in our comments, in light of the  
19      proposed -- I'm sorry -- in light of the manifest  
20      failure to provide specific information necessary to  
21      inform understanding of what is proposed and the likely  
22      effects on shorebird staging recovery and given the  
23      controversial nature of the plan and the scope of the  
24      impacts of the plan, not all of which were adequately

1       analyzed, the Seashore should have undertaken a  
2       comprehensive EIS rather than an EA. No new management  
3       program should proceed until such time as the Seashore  
4       remedies its deficiencies.

5               And if people want -- I was going to give the chair  
6       a copy of the comments, and George already has them, but  
7       if folks want copies of what I said specifically, I'm  
8       happy to provide them. I'll be here to the end of the  
9       meeting, and just if you give me your e-mail address,  
10      I'll e-mail them to you.

11             MR. DELANEY: Okay, thank you.

12             Any other members of the public who wish to speak?

13             (No response.)

14             MR. DELANEY: Okay, I'm going to bring the  
15      conversation back to the commissioners.

16             You've heard a couple of comments from outside to  
17      augment our discussion and our understanding. We left  
18      off our discussion thinking that perhaps at a minimum we  
19      could address kind of a common concern about the  
20      wholesale use or widespread use of an avicide or  
21      predator control and maybe even want to encourage the  
22      Park to whatever option they choose going forward use  
23      that very judiciously in a targeted way and very  
24      prudently. We can still address that issue, or we can

1 talk about others.

2 Mark?

3 MR. ROBINSON: I like that. I think it frames the  
4 issues well. I think that managers of land with  
5 multiple resources and uses need as many tools in their  
6 toolbox to employ to manage the property appropriately.  
7 I think it's more of a philosophical thing for many  
8 people in terms of this particular type of management,  
9 but I think that we should have some faith in the  
10 discretion employed by managers to use it wisely since  
11 we're giving them -- since we would be recommending they  
12 have these tools, that they understand that they're to  
13 be used wisely.

14 The only other aside I would say is that I really  
15 believe that Truro crows and Eastham crows are just as  
16 valuable as Wellfleet or Provincetown crows.

17 MR. DELANEY: Just let me underline. We've had a  
18 discussion about should the towns be (inaudible) in this  
19 case. If you're talking about ecosystems and birds,  
20 murders of crows and plovers, crows, it really doesn't  
21 do anyone a good service to break up the territory. So  
22 that's why we probably couldn't get to a universal, a  
23 common opinion among us because some of the towns have a  
24 different opinion.

1 All right, we're going to go to Mary-Jo and then  
2 Lilli.

3 MS. AVELLAR: How long is it going to take you,  
4 Superintendent, to come up with a recommendation based  
5 on -- is there a time frame here?

6 MR. PRICE: At this point I do not know. The  
7 comment was made about the timing of it. The timing of  
8 it was related to our ability to produce this document  
9 in a professional manner. As you all know, the rollout  
10 of this has been delayed, delayed, delayed.

11 I would also say that my experience here on Cape  
12 Cod is if we ever distributed this in June or July, we  
13 would have gotten the same comments at that time of  
14 year. If we did spring or fall, that would have been a  
15 bad time of year. Obviously the holidays are not a good  
16 time of year. That was why we did the extension, number  
17 one.

18 Number two, if we have 2,000 comments and we have  
19 to give a professional review and then get into a  
20 dialogue as to what -- I'm absolutely confident that  
21 what we've gotten, the many pages from the U.S. -- the  
22 Humane Society U.S. is going to be substantive both on  
23 legal and policy, and I'm assuming (inaudible). I'm  
24 assuming the Mass. Beach Buggy Association is going to

1 as well. It's going to take us time to deliberate that,  
2 and what I don't know is how this relates to the  
3 contractor that we have on board. If you remember  
4 Mary's optimistic PowerPoint, we thought by January or  
5 February we'd have a decision. That's not going to  
6 happen.

7 MR. DELANEY: Okay.

8 MS. AVELLAR: Can I just finish?

9 MR. DELANEY: Just one quick follow-up.

10 MS. AVELLAR: Just lastly -- oh, God, I just lost  
11 my train of thought. Oh, in deference to what Sheila  
12 had mentioned earlier, recreation is important to the  
13 Town of Provincetown because we probably have the most  
14 active beach buggy corridor in the district, and it gets  
15 really closed, and it's really restricted. So it is  
16 very important to my town at least, which is I kind of  
17 like Lilli's idea of each town being looked at  
18 separately because any more closures other than for the  
19 sake of the birds at the fledge time would be totally  
20 unacceptable.

21 So I don't think I can vote on anything right now  
22 because we don't have a time frame, we don't have a  
23 final document, and right now I just don't feel  
24 comfortable one way or the other, although I appreciate

1           what Mark had to say.

2           MR. DELANEY:   Lilli?

3           MS. GREEN:   And I'm coming to that opinion myself  
4           too, that while I really appreciate what Larry has put  
5           forth, I think that there are so many issues with my  
6           town.  I know my crows in Wellfleet are not different  
7           than the crows in Eastham or Truro.

8           MR. ROBINSON:  All crows matter.

9           MS. AVELLAR:  Crows are smart.

10          (Laughter.)

11          MS. GREEN:   And I do believe they do, but if the  
12          Park were to actively come to the conclusion that they  
13          were using that, I was hoping that they could try  
14          something if they needed to in another town and see if  
15          it works or doesn't work, but I understand that there  
16          could be issues there.  And given the comment from the  
17          public that they're not sure if you can do Option B  
18          without the avicide, given the EA statement as is, I'm  
19          not so inclined to vote on this today either.

20          MR. DELANEY:  Okay.  Sheila, last comment?

21          MS. LYONS:   I'm just going to throw this in.  So  
22          really what I was saying -- and thank you for bringing  
23          it in, Mary-Jo -- is that across the National Seashore  
24          these are the varied interests.  I know that Wellfleet



1       their priority is the crows.  Somebody else has the  
2       priority that they can drive their vehicle across  
3       whenever they want.  So everybody has an interest, you  
4       know, a self-interest, and we all have a shared interest  
5       in that we want to be able to maintain these things for  
6       everyone while we protect endangered species and help it  
7       thrive so that maybe somewhere down the road we don't  
8       have to be protecting it so much and these things will  
9       be enjoyed at a greater scale and degree without  
10      everybody feeling they were taking something out just to  
11      do it.

12           So I do think -- and I heed what you said about the  
13      Humane Society.  I think a lot of it is in the  
14      implementation.  If you're adopting this, how is it  
15      used?  And that is what people don't under-- -- I think  
16      is the missing piece.  Even when you do read it, it  
17      doesn't then go into the implementation of the policies  
18      and how it's -- what are the flags?  What are the red  
19      flags?  Okay, we have this, so now we see there's  
20      evidence here.  What are the steps that create a certain  
21      reaction?  You know, the policies and the procedures  
22      that are followed to trigger certain actions?  And I  
23      think that if those were more clear and discussed,  
24      people would feel better that these are just not going

1 to be blanket uses or everyday -- you know, the go-to  
2 solution when it doesn't necessarily have to be. That  
3 they will be factored before anything is implemented,  
4 but these are the things that we can use under these  
5 conditions.

6 MR. DELANEY: Thanks.

7 Larry?

8 MR. SPAULDING: George, is this kind of our last  
9 chance to make a comment if we're going to implement it?  
10 It is, isn't it?

11 MR. PRICE: Yes.

12 MR. SPAULDING: Well, I think it's a mistake not to  
13 say anything. I'll tell you what I put together.

14 The following: If predator management is adopted  
15 in the Seashore management plan, it would be implemented  
16 in a specific targeted situation with prudence to  
17 accomplish the goal of shorebird protection.

18 That doesn't say we're in favor of predator  
19 management, but it tries to let the Seashore know that  
20 this is kind of an open-ended thing. I don't suggest  
21 that George use it that way, but at least we'd be  
22 saying, "If you're going to do this, it's really got to  
23 be a specific situation. You're going to have to have a  
24 reason. You've got to target it." And I just think to

1 say nothing is a big mistake.

2 MS. LYONS: I agree.

3 MR. DELANEY: Thank you, Larry. Would you like to  
4 make that a motion?

5 MR. SPAULDING: I can make that a motion.

6 MR. NUENDEL: I'll second that.

7 MR. DELANEY: So we have a motion on the table, and  
8 we have a second. Both towns have a little bit of time  
9 to think about it. It's not -- I think, as Larry said  
10 correctly, it's a cautionary generic kind of statement  
11 about one particular aspect of the plan. It's not  
12 choosing one alternative or the other. It expresses  
13 what I heard around the table I think pretty well from  
14 all of us, aside from the other ancillary positions the  
15 towns have taken, and I think it would be helpful. It  
16 certainly would put us on record as being very, very  
17 cautious about this.

18 But let's have some discussion on the motion.  
19 Mary-Jo?

20 MS. AVELLAR: My problem with it is -- and I thank  
21 you, Larry, for the motion -- is the past two  
22 superintendents have been very, very, very good to work  
23 with in Provincetown, but we've had superintendents that  
24 have been openly hostile to Provincetown. And so I feel

1       that if I vote for this, that down the road when we  
2       don't have a George Price or a Maria there may be  
3       somebody that may become a problem again for my town.  
4       So I'm going to have to respectfully vote no. I just  
5       have to -- I represent the people of Provincetown, and I  
6       have to vote their conscience, I think.

7               MR. DELANEY: Okay.

8               MR. SPAULDING: The thing that's important is that  
9       the motion takes no position.

10              MS. AVELLAR: I know.

11              MR. SPAULDING: I may be personally opposed to  
12      predator management and some of the things.

13              MS. AVELLAR: I know.

14              MR. SPAULDING: But I just feel that if we're  
15      silent, we haven't given them anything. If we had at  
16      least a consensus or some of you may feel you have to  
17      vote no, but at least we've got something that we can  
18      put on the record.

19              MS. LYONS: Right, and we're saying that we support  
20      management in itself, that these things have to be  
21      managed so that everybody's interest is protected. So  
22      if this --

23              MR. ROBINSON: There's got to be more flexibility.

24              MS. LYONS: And there's flexibility. So this

1 builds in the ability to be flexible, but we're also  
2 stating we also should caution you that these should be  
3 -- you know, the procedures should be clearly defined on  
4 what triggers what and under what circumstances actions  
5 are taken and what those actions are. And I think  
6 that's all it's basically stating because it's a tough  
7 issue. I mean, everybody has their point of view and  
8 yet...

9 MR. DELANEY: Okay, further discussion on the  
10 motion? Lilli?

11 MS. GREEN: Thank you.

12 So while I personally understand wildlife  
13 management and I believe there is not a soul in  
14 Wellfleet that doesn't believe in protecting the  
15 shorebirds, I think I would have to abstain from this  
16 vote because I do represent Wellfleet.

17 MR. DELANEY: Okay, that's your prerogative for  
18 both towns, but we do have a motion on the table. And  
19 we can entertain discussion, and then we can vote yes,  
20 no, or abstention. So you have an easy option on that  
21 abstention.

22 Any other discussion on this motion?

23 AUDIENCE MEMBER (MS. YOUNG): Could you restate the  
24 motion?

1 MR. DELANEY: Yes, please, Larry.

2 MR. SPAULDING: If predator management is adopted  
3 in the Seashore management plan, it would be implemented  
4 in a specific targeted situation with prudence to  
5 accomplish the goal of shorebird protection.

6 MR. DELANEY: Did you hear that, Sharon?

7 AUDIENCE MEMBER (MS. YOUNG): (Nods.)

8 MR. DELANEY: So that's the motion. Is there a  
9 second?

10 MR. NUENDEL: Second.

11 MR. DELANEY: Second from Don.

12 Any other discussion?

13 (No response.)

14 MR. DELANEY: Hearing none, all those in favor  
15 signify by saying aye.

16 MR. SPAULDING: Aye.

17 MR. NUENDEL: Aye.

18 MR. ROBINSON: Aye.

19 MS. LYONS: Aye.

20 MR. DELANEY: Those opposed?

21 MS. AVELLAR: Opposed.

22 MR. CRAIG: Opposed.

23 MR. DELANEY: Two opposed.

24 MS. AVELLAR: And one abstention.

1 MR. DELANEY: And one abstention.

2 I didn't think you were going to vote on this.

3 MS. AVELLAR: No, I was going to vote no. I have  
4 to represent the people of Provincetown.

5 MR. DELANEY: So we have -- George, we just voted.

6 Just for the superintendent's benefit, let's re-  
7 read that, please, Larry, one more time.

8 MR. SPAULDING: Sure. If predator management is  
9 adopted in the Seashore management plan, it would be  
10 implemented in a specific targeted situation with  
11 prudence to accomplish the goal of shorebird protection.

12 MR. DELANEY: And we voted --

13 MS. LYONS: Four.

14 MR. DELANEY: -- four in favor, two opposed, and  
15 one abstention.

16 MR. ROBINSON: The chair is not voting? You don't  
17 vote?

18 MR. DELANEY: I generally vote if there's a close  
19 tie, but I didn't vote in this one.

20 So there is advice to you and the Park Service as  
21 to how to implement this plan.

22 MR. PRICE: So if we could then, Larry, maybe  
23 Lauren can actually get the language or if you want to  
24 make sure we get it so we'll officially have it

1 submitted as part of the record.

2 MR. ROBINSON: 2,001 comments.

3 MS. AVELLAR: Well, who knows what might come in  
4 before the end of the day even, huh?

5 MR. PRICE: That's right.

6 MR. DELANEY: It is obviously, like most of the  
7 management issues here in the Park, a great challenge,  
8 very complicated in terms of the ecology, the emotions,  
9 the various towns, the political, social. It's always a  
10 complicated one. I think this is at least a good  
11 position for us, an advice recommendation to offer. I  
12 think it reflects a lot of what we've all heard back in  
13 our towns and among the public. Particularly I think  
14 starting this discussion this afternoon the issue of  
15 avicide and avicide as a predator control is the first  
16 thing that came out of almost everybody's mouth. So  
17 we'll try to deal with that I think in a reasonable,  
18 well-thought-out way, and we'll see what happens from  
19 here on out.

20 MR. PRICE: One of the things, if I can, Mr. Chair,  
21 so this came up on Friday with the Beach Buggy  
22 Association. Unlike this group where we meet on a  
23 regular basis, the Beach Buggy Association only meet  
24 very intermittently, and to know that that particular



1 group had so many concerns beyond just the ORV corridor,  
2 I really wanted to talk to them about setting up more  
3 opportunities to have this dialogue.

4 Mary-Jo recited the, quote, distrust towards the  
5 National Park Service because of a long history in the  
6 relationship with the town, and the only way I can think  
7 of that will help alleviate some of this is just  
8 continued dialogue. And one of the things I might ask  
9 you all as we move forward because this particular group  
10 -- Sharon's correct -- is that this group probably is  
11 more informed on the whole shorebird management program  
12 than any group because you've gotten intimate updates  
13 over time, and yet maybe we haven't been all that  
14 successful in delving down into the details.

15 So I would just suggest that as we move along, if  
16 there are topics that can be presented to you all, if we  
17 can have more dialogue about different pieces to make  
18 the communication more clear, I'd like just to be able  
19 to figure out how to do that. For instance, it seems  
20 like there are a couple of things that we even said  
21 today which were examples to you all of us being a  
22 little bit more deliberate in our thoughtful exercise of  
23 what we have available to us. Well, I just take that  
24 for granted that you all assume that's what we're doing,

1 but obviously some of the constituents, people you talk  
2 to do not feel that way, that it could be a lot more  
3 indiscriminate or not thoughtful or somehow more  
4 widespread and, therefore, not competent. And that's  
5 the farthest thing that actually happens in this park,  
6 I'll tell you, with our professional staff.

7 So if there are ways for us to put that out on the  
8 table a little bit more, I certainly would appreciate  
9 that.

10 MS. AVELLAR: We don't have any problem with you,  
11 George. With some of your predecessors.

12 MR. SPAULDING: When you were out of the room, some  
13 comments were made, "We're not worried about George, but  
14 we don't know what's coming next." That wasn't my  
15 comment.

16 MR. DELANEY: Thank you for that --

17 (Laughter.)

18 MR. DELANEY: George, thank you for that offer, and  
19 that is in the spirit that we bring to this table as  
20 well. And I will say for the record with you here, your  
21 administration has gone to great lengths to work with  
22 every town, including Provincetown, as well as the rest  
23 of us, and I hope that is turning the corner in all of  
24 our towns and making our various constituencies

1 understand that there is a partnership here and there  
2 are benefits, just not losses and detriments. There are  
3 benefits that each town has approved because there is a  
4 Cape Cod National Seashore no matter who the  
5 superintendent is, but particularly, again, you've had  
6 so many.

7 So we accept your -- on behalf of the  
8 commissioners, I accept your offer to continue  
9 increasing that and doing more dialogue. I will say as  
10 chair now had we decided -- had I decided with your  
11 assistance to go into the level of detail that's  
12 necessary to really understand this document, we would  
13 have formed a subcommittee. That subcommittee would  
14 have had the assignment of spending hours and hours and  
15 hours, like Sharon and others do, to really delve into  
16 the details and come back with some of it. Even then it  
17 wouldn't have guaranteed that we would have had a  
18 unanimous position on anything, but at least that's what  
19 it takes.

20 MS. LYONS: It does.

21 MR. DELANEY: If we can find other techniques like  
22 that where maybe it's at the end of each of our future  
23 Advisory Commission meetings, a focused speaker with  
24 detailed discussion on an emerging topic -- I think

1       that's what you're kind of suggesting -- that would be  
2       terrific. We'd appreciate it.

3               So last comment on this, and I'm going to move on.  
4       I'm going to give you the gavel.

5               MS. LYONS: I was just going to say there is an  
6       historical narrative that sort of came out of how you  
7       have used different abilities, different authorizations,  
8       and this is the -- so by stating how practices have been  
9       used in the past, these are new practices being  
10      suggested. They would follow that same -- that needs to  
11      be sort of upfront with people so that they just don't  
12      look at this as a plan and just drop down in a certain  
13      time and place and now we're going to start doing it  
14      this way.

15              MR. PRICE: Right.

16              MS. LYONS: And I think that's helpful to the  
17      dialogue.

18              MR. PRICE: Okay, Mr. Chair, I know you're going to  
19      have to leave. You're the one that requested that I do  
20      an update on drone policy.

21              MR. DELANEY: Yes.

22              MR. PRICE: Would you like me to save that for the  
23      next meeting?

24              MR. DELANEY: I do have to run. It's a matter of

1 catching an airplane.

2 MR. ROBINSON: Oh, they'll wait for you.

3 (Laughter.)

4 MR. DELANEY: Yeah.

5 MS. LYONS: They're always late anyway.

6 MR. DELANEY: Why don't you -- I have a feeling  
7 almost as complex and almost as challenging as the one  
8 we just dealt with.

9 MS. AVELLAR: For me it's not.

10 MR. DELANEY: This is going to be a new emerging  
11 issue.

12 I'm going to ask Sheila to take over as vice chair  
13 for the time being.

14 MS. LYONS: Okay.

15 MR. DELANEY: Here's the agenda and here's your  
16 gavel.

17 But carry on. Thank you. Sorry I have to run.

18 MS. LYONS: Have a safe trip.

19 MR. DELANEY: Thank you.

20 MR. PRICE: So you would like me to wait on the  
21 drone?

22 MR. DELANEY: No, no. Go ahead. I think others  
23 are interested, and I'll read about it, and we can  
24 follow up on it.

1 MR. PRICE: All right, sounds good.

2 MR. DELANEY: Okay.

3 (Mr. Delaney leaves the room.)

4 NPS POLICY ON THE USE OF UAS - DRONES

5 MR. PRICE: So obviously the shorebird management  
6 plan was the big topic. The NPS policy on drones, this  
7 was what Rich had asked specifically last time that we  
8 bring it up.

9 So the drones are the UAS's. Use of unmanned  
10 aircraft is what they are.

11 MS. AVELLAR: UAS means what?

12 MS. LYONS: Use of unmanned aircraft.

13 MR. PRICE: Unmanned aircraft.

14 MS. AVELLAR: What does the S mean?

15 MR. PRICE: I'm sorry. It's not S.

16 The policy basically came out several years ago  
17 when the Park Service all of a sudden -- the  
18 proliferation of drones really became evident, and in a  
19 number of parks, all of a sudden it appeared that there  
20 were drones in the sky, and they were either harassing  
21 the wildlife or they were following visitors. And then  
22 in a couple of instances out in some of the western  
23 parks when they were fighting fires, people had drones  
24 up as the aircraft were in the air trying to put down

1 fire retardant, and the aircraft then had to be taken  
2 out of the area and put on the ground so they could get  
3 the drones out of the way.

4 So the director put a unilateral across-the-board  
5 prohibition on drones 100 percent, and all  
6 superintendents had to make sure that was in what's  
7 called the Superintendent's Compendium, which is where  
8 these things are listed. The only exception was the  
9 opportunity that if parks already had approval for model  
10 aircraft that they could apply to the Washington office  
11 to keep that as part of their process. The Cape Cod  
12 National Seashore has had the ability to use these model  
13 aircraft, remote control devices specifically at the  
14 Head of the Meadow and Truro area according to certain  
15 restrictions; time of year, no birds in the area, that  
16 sort of thing. So we still have that. The only  
17 exception for the use of drones was if there was a  
18 project that was beneficial to the mission of the  
19 National Park, that the superintendent would then  
20 request special authorization for that drone activity to  
21 take place.

22 So initially it was tightened up quite a bit, and  
23 then it was if the superintendent believes that this is  
24 a project they wish to recommend, that that project

1       would be put forth under certain application. So that  
2       basically is the policy. That's the way it is right  
3       now.

4               I have been approached by a number of commercial  
5       photographers who wish to use drones, and basically they  
6       do not support the mission of the National Park Service.  
7       And the answer has been no. I have been approached by  
8       two offices who are interested in scientific  
9       investigation. One is the USGS who has been doing drone  
10      aerial activity in a number of national parks, and they  
11      particularly are interested in shoreline management  
12      having to do with shoreline erosion and changes. We are  
13      interested in working with this group. I have been  
14      working with them for a number of months helping them  
15      put together their application, and if they are  
16      successful, they should get a permit for being able to  
17      put the drones in the sky this March.

18             MS. AVELLAR: Only in March, or can they be up  
19      there any old time?

20             MR. PRICE: Oh, no, just during the time that  
21      they're permitted for.

22             MS. AVELLAR: Okay.

23             MR. ROBINSON: And, Mary-Jo, that's just for this  
24      one specific purpose.



1           MR. PRICE: One specific purpose for shoreline  
2 change.

3           My immediate reaction, even if this prohibition  
4 hadn't been in place, I was dreading drones being  
5 proliferated in the Seashore. Number one, it's a  
6 privacy issue in my opinion for visitors. It's a  
7 privacy issue, the solitary walk on the beach. You  
8 don't want to be buzzed by a drone. And then there's  
9 the obvious issue of harassing animals. In fact, I  
10 don't know if I reported this last time. We had a  
11 surprise visit by the Secretary of the Interior. This  
12 is Sally Jewell. We had her down at Coast Guard Beach,  
13 and there was somebody with a drone buzzing the gray  
14 seals. So they were about maybe 50 yards off the beach.  
15 There were a number of them bobbing. So it was either  
16 just before or after low tide because that's where the  
17 sandbar is. And I couldn't believe it. The thing was  
18 coming down to within four feet of the noses of these  
19 animals. They were about 150 yards down the beach, so  
20 we had to actually call law enforcement, and they went  
21 down and dealt with it.

22           So we have had real instances now of this  
23 happening. So I'm concerned at the Seashore, number  
24 one, with privacy and, number two, with harassment for

1 the animals.

2 We have one other request which was not followed  
3 up. I don't know what's going on. We also have  
4 additional responsibility here because of the airport at  
5 Provincetown. And I've spoken with Butch, and I wanted  
6 Butch to know very clearly that I would not be giving  
7 permission for drones anywhere near Provincetown unless  
8 he signed off on it already. He said he's been  
9 approached independently by people that want to use  
10 drones, and he has said the same thing in reverse. So  
11 I'll give you an example. We actually had somebody that  
12 was proposing for research purposes taking off from the  
13 airport, crossing the Park Service property to go out  
14 over the North Atlantic to do their experimentation, and  
15 then they would come back and land. So that to me  
16 sounded like a plausible project that would probably be  
17 useful for the benefit of all of us. So obviously  
18 they'd have to get the FAA; they'd have to get  
19 Provincetown airport; they'd have to get our approval  
20 and then any requirements we would have for that permit  
21 to happen. That permit has not proceeded as far as I  
22 know. The other permit is the only other one thing  
23 that's out there.

24 I know this happens. In fact, just today I

1 received copies of photographs of somebody that was out  
2 by Highlands Center taking some aerial photographs  
3 totally unauthorized. So if our rangers had seen them,  
4 they would have been addressed, perhaps given a ticket  
5 or a citation.

6 MS. AVELLAR: I mean, it's up in the air. Has it  
7 got markings on it or something? How do you know who to  
8 go after?

9 MR. PRICE: Well, in the case of the Coast Guard  
10 Beach, the operator was right there on the beach.

11 MR. ROBINSON: What about the private properties,  
12 the Realtor that wanted to go up over the house and take  
13 a picture?

14 MR. PRICE: Well, if it's over the house straight  
15 up, it's airspace that's not our responsibility. If  
16 it's out over the Seashore property, then it's our  
17 responsibility.

18 MS. AVELLAR: But a house in the Seashore? If it's  
19 a house in the Seashore?

20 MR. ROBINSON: That's a good question.

21 MR. PRICE: Even if they -- say if they're sitting  
22 at their property and they're buzzing the beach, then  
23 the answer is no, that it's still prohibited.

24 MR. ROBINSON: If they're straight up over their

1 house?

2 MR. PRICE: Right.

3 MS. AVELLAR: They're totally annoying.

4 MR. PRICE: Right.

5 MS. AVELLAR: They're totally annoying. One buzzed  
6 Bubala's, the whole patio at Bubala's this fall. It was  
7 horrible.

8 MR. PRICE: Really?

9 MS. AVELLAR: Yeah, I think I know who it was too.

10 MR. PRICE: Yeah, that seems to be the --  
11 especially with aerial photography, that seems to be a  
12 thing. I have a (inaudible) story that I'm not going to  
13 take your time on. It's kind of related.

14 So anyway, Rich had asked for that specifically.  
15 That's basically the long and short of drones.

16 MS. LYONS: Great.

17 NAUSET LIGHT BEACH

18 MR. PRICE: *Nauset Light Beach*. I just wanted to  
19 share with you something that came up in this last year.  
20 So I've reported in the past that Nauset Light Beach  
21 facilities were ultimately going to have to be removed  
22 and relocated on the property because of erosion. As  
23 you probably recall, we've had to replace the stairs at  
24 Nauset Light Beach several years in a row. It used to

1 be it was once every three to five years that we would  
2 have to replace the stairs. Now it's like every year.

3 Last year we actually had to replace -- had to  
4 remove the boardwalk that was closest to the bluff  
5 because of fear of it being too close to the bluff. And  
6 what people have to understand is we can't wait till  
7 it's going off the edge. We have to be proactive while  
8 there's enough room to safely remove it with heavy  
9 equipment, just like we did with the interpretive  
10 shelter down here at Marconi site. So we removed that  
11 stairway and -- excuse me -- removed that, and last  
12 winter at that spot we had 18 feet of erosion in just  
13 that one spot. So even though we say we have on average  
14 three years of -- three feet of erosion a year,  
15 obviously we're (inaudible) more or less depending on  
16 the location. Interestingly enough, at that spot we had  
17 18 feet. Up here at Marconi last winter we practically  
18 had none. So it very much depends on the physics of how  
19 the storm surge is coming in and what's happening.

20 This past fall we hosted some people from our  
21 contracting office. We brought them out there on a  
22 field trip, a site visit, and it was just obvious to all  
23 of us that that structure is not going to be around for  
24 very long. And not only do you have a structure which

1 is now closer to the edge, but we actually have part of  
2 the septic system that's ahead of the structure on the  
3 bluff side.

4 So, Mark, I don't know if you stopped by, but --

5 MR. ROBINSON: I walked out there last week.

6 MR. PRICE: It's basically the bushes on the ocean  
7 side that's to the east of the last part of the  
8 facility. So the facility is here, but we actually have  
9 -- I think it's a juncture box or distribution box for  
10 the septic system out there. So it's actually a lot  
11 closer to the edge.

12 MR. ROBINSON: And you see all the pipes sticking  
13 out the --

14 MR. PRICE: Yeah, but that's not -- that's not the  
15 current system at all.

16 So we may be in a position if we were to get  
17 funding where we might actually demolish those  
18 facilities next fall. That would be what we're thinking  
19 about right now. That would leave us without a new  
20 constructed facility for a couple of years till the  
21 money actually got into place. So we would have to  
22 investigate like almost the industrial size party or  
23 that type port-a-john systems that are kind of -- they  
24 look like an 18-wheeler is what I'm envisioning in my

1 mind that we would probably have to put out there  
2 temporarily until we secure the funds to actually move  
3 forward with what we believe would be the new facility  
4 which would border Ocean View Drive. And similar to  
5 Provincetown, we believe that would at least be a 50-  
6 year lifespan for that facility.

7 So I contacted the town manager in Eastham last  
8 month that we were going to do this field trip. This  
9 morning several members of the Commission came out and  
10 went on site with us in the cold weather, and the town  
11 planner from Eastham came out so we could just at least  
12 have that conversation. So it's not a done deal, but I  
13 didn't want people to think that we were doing this  
14 without the town being notified. So Kathy and I need to  
15 figure out with our regional office what the reality is  
16 to obtain demolition money and then have to do some  
17 research on what a temporary restroom facility would  
18 actually be.

19 MR. ROBINSON: To be a good Cape Codder, we like to  
20 jack things up and move them.

21 MR. PRICE: Yes.

22 MR. ROBINSON: Not possible?

23 MR. PRICE: Not with those 1960s facilities. We  
24 would salvage -- during the last restoration, we put a

1       very serious pergola for a shade shelter out there.  
2       That could be salvaged.

3               MS. TEVYAW:   And the showers.

4               MR. PRICE:   And the showers.

5               MS. TEVYAW:   And the fixtures.

6               MR. PRICE:   Yeah, the fixtures and things we can.  
7       We scrounge with the best of them, but I wouldn't  
8       anticipate being able to relocate that structure.

9               MS. LYONS:   Yes, Lilli?

10              MS. GREEN:   I was one of the lucky people in the  
11       wilds of the weather this morning, but I do appreciate  
12       George having the field trip this morning.  It was  
13       really informative and not only just going there and  
14       looking at the site but also hearing both Kathy and  
15       George speak about it was really very helpful, and I  
16       would encourage people to go and look at it if you  
17       haven't seen it.

18              I really thought it could be a modular situation  
19       that the stairs could go in there.  I realize it's just  
20       -- it's practically impossible to do what they've been  
21       doing.  I mean, in the '70s it was just a stairway that  
22       went up and down, but with the rules and regulations in  
23       the Park now, they explained you can't do that anymore.  
24       And you can really understand where they're coming from,



1       why they're doing it, and what the plans are for the  
2       future.

3               MR. NUENDEL:  It's a challenge.

4               MR. PRICE:  So we didn't -- you know, that was the  
5       field trip, and this is the new information.  It's not  
6       new information, but for those of you that have visited  
7       Herring Cove North parking lot since the holidays, just  
8       before the holidays is when we had our first storm and  
9       the failure of what's called the revetment, which is the  
10      base of the parking lot that goes down to the beach.  It  
11      was small enough, the weather was warm enough, and we  
12      had some extra fill materials, so we actually patched it  
13      at that point.  Unfortunately, during the holiday week  
14      at the most north part of the parking lot nearest the  
15      vault toilets, we had a couple of other failures to the  
16      point where now it's at least ten parking spaces.  And  
17      that's a very steep part of the bank, so it looks pretty  
18      -- there's a couple of large craters there.  We've been  
19      in contact with our regional office already to let them  
20      know that we'll be asking for emergency storm damage  
21      again and also to remind them that this is part of the  
22      reason that this project, a permanent fix is what we're  
23      going to need to do to actually solve this.

24              The list that these projects are on, the line item

1 construction, is a national list that our projects are  
2 on. And the good news is it's on the list, but as I've  
3 said, these lists go up and down with priority. We're  
4 currently trying to find out what the current priority  
5 is as far as the new fiscal year and where they're  
6 going. The good news is that there's allegedly  
7 additional money provided by Congress in this bill for  
8 the Centennial for the National Park Service line item  
9 construction, but the bad news is we also have 409 units  
10 that we're competing against and these things move  
11 around. I'm always the guy that the glass is half full,  
12 and for the bathhouse, it was bumped up on the priority  
13 list by a couple of years, but we have to find out  
14 exactly where we are for the permanent fix on this other  
15 place.

16 NAUSET SPIT AND NATIONAL PARK SERVICE CENTENNIAL

17 MR. PRICE: I realize we're running late on our  
18 schedule. So I don't really have additional new  
19 information either on the Nauset Spit or on the Park  
20 Service Centennial other than to let you know that we're  
21 still very excited to continue to work with the Cape Cod  
22 Healthcare on the Healthy Parks, Healthy People. They  
23 actually are working with the Cape Cod Mall sponsoring  
24 the eternal walk on the mall in the mornings. And if

1       you walk through the mall now, you'll actually see on  
2       all the mileposts the Healthy Parks, Healthy People  
3       logo, which includes the National Park Service as well  
4       as the Cape Cod Healthcare. We will be staffing that  
5       intermittently, and we're going to be rolling out a more  
6       aggressive or extensive program for that this coming  
7       summer.

8                               HIGHLANDS CENTER UPDATE

9               MR. PRICE: I think the one thing that I would like  
10       just to share with you having to do with the Highlands  
11       Center is we're very pleased with the fact that we  
12       finally were able to have some PV installed at some of  
13       the buildings up there.

14              Lauren, you said you --

15              MS. McKEAN: Sure, I've got a couple pictures.

16              MR. PRICE: You have pictures you could pass  
17       around.

18              MS. McKEAN: I can tell you a little bit about the  
19       capacity.

20              So we've got funds that came in May, and we've  
21       already got the installation completed in December,  
22       which is pretty remarkable. We got funds for the  
23       Atlantic Research and Learning Center classroom roof and  
24       the biolab roof. They're two different systems. One is

1 a rack system, and one is a ballasted system. The  
2 ballasted system is the new roof. The new (inaudible)  
3 at the biolab will not be penetrated, which was really a  
4 key concern. They're both going to meet building code  
5 and (inaudible) and all that kind of thing.

6 So the total system capacity is 28,000 kilowatts,  
7 which is an annual estimated production of 35,000  
8 kilowatt hours, which is about six houses, more than six  
9 houses. So we're really excited about that. It's going  
10 to be a major connection with the Park Service.

11 MR. PRICE: So as far as PV goes, by the way, we're  
12 excited about that. We do have PV up at the Herring  
13 Cove facilities. We've talked about the PV in this  
14 area, and Provincetown has asked us to see if we can't  
15 put some PV on the landfill facility up at Provincetown  
16 as well that's owned by the Seashore.

17 So basically I think, unless there are other  
18 questions --

19 MS. LYONS: We can move on?

20 MR. PRICE: We can move on.

21 Oh, I'm sorry, Lauren?

22 MS. McKEAN: I just thought we should not skip by  
23 improved properties/town bylaws.

24 MS. LYONS: The town bylaws, I was just going to

1 ask you.

2 IMPROVED PROPERTIES/TOWN BYLAWS

3 MS. McKEAN: The Town of Truro is working on -- or  
4 the Town of Truro Planning Board and individuals,  
5 including Maureen Burgess, are working on town bylaw  
6 changes for the Seashore District. We just got a bunch  
7 of e-mails in Friday and today from Maureen. So we  
8 haven't really been able to scrutinize it yet, but it  
9 looks like a sliding scale sort of based on what  
10 Wellfleet did.

11 MS. LYONS: So do you want to continue this  
12 conversation for the next meeting?

13 MR. PRICE: We'd have to see if Truro is ready to  
14 --

15 MS. LYONS: Okay, but we can move this forward,  
16 this discussion?

17 MR. PRICE: Right.

18 MS. LYONS: And it also includes the review of the  
19 wireless cell tower in Wellfleet, not just Truro.

20 Is there any information on that? I have it here.

21 MR. PRICE: Right, the wireless, I think that was,  
22 Lauren, referring to the wireless that was in Eastham,  
23 wasn't it?

24 MS. McKEAN: Wellfleet, yes. The Wellfleet just

1 south of here down near the Even'tide Motel. Where was  
2 it? The Horton's property.

3 MS. LYONS: What about it?

4 MS. McKEAN: It's a 90-foot monopole tower that has  
5 gone through their planning board and the development of  
6 -- development of regional impact process through the  
7 Cape Cod Commission.

8 MS. LYONS: And it's been approved?

9 MS. McKEAN: It was approved by both, yes.

10 MS. LYONS: Yes?

11 MR. CRAIG: That's very nice, but they have nothing  
12 to say about it. The town has nothing to say about it.  
13 The Cape Cod Commission has nothing to say about it.  
14 It's covered by federal law. I've been through this  
15 with the ZBA in Chatham, and federal law precedes it.  
16 It's nice you can talk about it all you want, but it's  
17 going to happen.

18 MS. LYONS: I guess it's nice to have the approval.  
19 However -- okay, anything on the Herring? Do we have  
20 any other comment on that?

21 (No response.)

22 HERRING RIVER WETLAND RESTORATION

23 MS. LYONS: Nothing on Herring River?

24 (No response.)

1 MS. LYONS: Anything else?

2 (No response.)

3 CLIMATE FRIENDLY PARKS

4 MS. LYONS: Climate?

5 MS. McKEAN: Climate Friendly Parks, we're about to  
6 release our green team film. We're going to have  
7 (inaudible) Cape and Islands roll it out.

8 OLD BUSINESS

9 MS. LYONS: *Old Business.*

10 MR. ROBINSON: That's me.

11 MS. LYONS: Okay, all right.

12 LIVE LIGHTLY CAMPAIGN PROGRESS REPORT

13 MR. ROBINSON: I had a little report about some new  
14 acquisition in Truro right on the (inaudible), but I  
15 think I'll wait until next time.

16 MS. LYONS: Okay.

17 NEW BUSINESS

18 MS. LYONS: Any new business?

19 MR. PRICE: So, Lauren, we're going to pass till  
20 next meeting.

21 MS. LYONS: Okay.

22 MR. ROBINSON: Thank you anyway.

23 MS. LYONS: You're welcome. We look forward to it  
24 at our next meeting.

1           Is there any new business?

2           (No response.)

3           MS. LYONS: Do we have any new business or things  
4           that we want to consider for our next agenda?  
5           Discussions? Further discussions?

6           Yes?

7           MS. AVELLAR: The shorebird management.

8           MR. SPAULDING: Well, it may not be the next  
9           meeting, but at some point if when the plan is further  
10          along, obviously you'll give us the report, but when  
11          it's approved, if there have been changes that you've  
12          actually adopted or differences from what originally  
13          came out --

14          MR. PRICE: Yes.

15          MR. SPAULDING: -- I think it would be good if we  
16          got to --

17          MR. PRICE: Yes, yes.

18          MS. LYONS: Yes, we'd like to have that discussion.

19          MR. PRICE: Or maybe by March, which will be the  
20          next meeting, we'll probably be halfway through our  
21          comments.

22          MS. LYONS: It will be on the topic -- it will be  
23          on the agenda.

24          MR. PRICE: It will stay on the agenda.



1 MS. GREEN: And I'm sure we'll have a response as  
2 well, right? The comments and responses?

3 MR. PRICE: They're all going to be responded at  
4 the same time. If we have 2,000 comments to wade  
5 through, it will be interesting.

6 MS. LYONS: Well, I think it would also be  
7 beneficial for us to bring the conversation that was  
8 here, that the surface isn't necessarily the whole story  
9 of what you were just reading on the story and that  
10 there's more -- more in the detail and, as the Governor  
11 likes to say, the devil is always in the detail. But  
12 anyway -- but it's actually true here.

13 **DATE AND AGENDA FOR NEXT MEETING**

14 MS. LYONS: So our next agenda and meeting date.

15 MR. PRICE: Right, I would recommend we take a look  
16 at either March 14 or the 21st.

17 MS. GREEN: I would ask for the 14th.

18 MR. SPAULDING: I'll be away on the 21st.

19 MS. LYONS: So there are two that the 14th is  
20 better.

21 MR. PRICE: How about the 14th?

22 MS. LYONS: Is there anyone that it's not doable  
23 for the 14th?

24 MR. NUENDEL: I'll miss both of them, but I don't

1 think you can get around that.

2 MS. LYONS: Okay. Well, have fun.

3 MR. NUENDEL: Thanks. My cohort --

4 MR. PRICE: We'll have to get Nat.

5 MR. NUENDEL: Yeah, Nat.

6 MS. LYONS: So we'll put it on for March 14.

7 That's fine for me as well.

8 If that is all, do I have a motion to adjourn?

9 MS. AVELLAR: So moved.

10 AUDIENCE MEMBER (MS. WILSON): Public comment?

11 MR. PRICE: Oh, yes.

12 **PUBLIC COMMENT**

13 MS. LYONS: Oh, yes, *Public Comment* was at the end,  
14 but I thought we -- oh, public comment in general. We  
15 took public comment for the shorebird.

16 Is there any other public comment?

17 AUDIENCE MEMBER (MS. WILSON): Yes, respectively,  
18 it says here that I should submit a request to make  
19 public comment prior to the meeting. It says that right  
20 here.

21 MR. PRICE: Well, that's one of the options.

22 AUDIENCE MEMBER (MS. WILSON): I'd like to address  
23 your motion, Mr. Spaulding, and the vote. It's one  
24 thing to generate support and discretion for the Park.

1       It's another thing having heard from many, many people  
2       about handing a carte blanche decision-making process  
3       for predator management, which includes in your language  
4       the use of poisons, with no oversight. Nobody is going  
5       to be overseeing what the Park does with that kind of  
6       discretion. And although I generally trust the Park, on  
7       this issue I cannot, given also that so many people in  
8       the public are worried about it. So if you had voted to  
9       give them the discretion for predator management with an  
10      exception of the use of poisons, that I think would be  
11      more responsive to the public that's giving input.

12           MR. SPAULDING: The motion -- may I respond?

13           MS. LYONS: Go ahead.

14           MR. SPAULDING: The motion began by *if*. It didn't  
15      say we were in favor of anything related to predator  
16      management.

17           AUDIENCE MEMBER (MS. WILSON): You said *if*?

18           MS. LYONS: Yes, if it legally --

19           AUDIENCE MEMBER (MS. WILSON): That's what I'm  
20      disagreeing with. Thank you.

21           MS. LYONS: Yes, Mark?

22           MR. ROBINSON: I take exception with the carte  
23      blanche. I mean, that's not in the spirit of the  
24      motion.

1 AUDIENCE MEMBER (MS. WILSON): Who is overseeing  
2 it? Nobody.

3 MR. ROBINSON: Carte blanche implies that it's  
4 willy-nilly; it's whatever they feel like.

5 AUDIENCE MEMBER (MS. WILSON): No, I wasn't  
6 implying that.

7 **ADJOURNMENT**

8 MS. LYONS: If there are no further comments, do we  
9 have a motion to adjourn?

10 MS. AVELLAR: So moved.

11 MS. LYONS: Second?

12 MR. NUENDEL: Second.

13 MS. AVELLAR: Don't need a second to adjourn.

14 MS. LYONS: All in favor?

15 BOARD MEMBERS: Aye.

16 MS. LYONS: There you go. Thank you, Mary-Jo.

17 MS. AVELLAR: Moderator.

18 (Whereupon, at 2:59 p.m. the proceedings were  
19 adjourned.)

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24

**REPORTER'S CERTIFICATE**

PLYMOUTH, SS

I, Linda M. Corcoran, a Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that:

The foregoing 100 pages comprises a true, complete, and accurate transcript to the best of my knowledge, skill, and ability of the proceedings of the meeting of the Cape Cod National Seashore Advisory Commission at Marconi Station Area, Park Headquarters, South Wellfleet, Massachusetts, on Monday, January 11, 2016, commencing at 1:01 p.m.

I further certify that I am a disinterested person to these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 29th day of February, 2016.

---

Linda M. Corcoran - Court Reporter  
My commission expires:  
August 28, 2020